

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2008 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations, as well as to rename Title 12.

This proposed rulemaking would adopt the following codes published by the International Code Council (ICC), as amended by this rulemaking in a new District of Columbia Construction Codes Supplement of 2013, as the District of Columbia Construction Codes: the 2012 edition of the International Building Code; the 2012 edition of the International Residential Code; the 2012 edition of the International Fuel Gas Code; the 2012 edition of the International Mechanical Code; the 2012 edition of the International Plumbing Code; the 2012 edition of the International Property Maintenance Code; the 2012 edition of the International Fire Code; the 2012 edition of the International Energy Conservation Code; the 2012 edition of the International Existing Building Code; the 2012 edition of the International Green Construction Code; the 2012 edition of the International Swimming Pool and Spa Code; and the 2011 edition of the National Electrical Code (NFPA 70) published by the National Fire Protection Association.

This proposed rulemaking would repeal the D.C. Construction Codes Supplement of 2008, adopted December 26, 2008 (55 DCR 13094), consisting of the following: the 2006 edition of the ICC International Building Code; the 2006 edition of the ICC International Residential Code; the 2006 edition of the ICC International Fuel Gas Code; the 2006 edition of the ICC International Mechanical Code; the 2006 edition of the ICC International Plumbing Code; the 2006 edition of the ICC International Property Maintenance Code; the 2006 edition of the ICC International Fire Code; the 2006 edition of the ICC International Energy Conservation Code; the 2006 edition of the ICC International Existing Building Code; and the 2005 edition of the National Fire Protection Association (NFPA 70) National Electrical Code.

Comments on this proposed rulemaking must be submitted by 5 p.m. on Friday, January 25, 2013. The process for submitting comments is detailed on the final page of this proposed rulemaking.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of

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publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

The title of title 12 is renamed as the District of Columbia Construction Codes Supplement of 2013.

Subtitle 12 A (Building Code Supplement of 2008) is repealed in its entirety and replaced with a new Building Code Supplement of 2013.

Subtitle 12 B (Residential Code Supplement of 2008) is repealed in its entirety and replaced with a new Residential Code Supplement of 2013.

Subtitle 12 C (Electrical Code Supplement of 2008) is repealed in its entirety and replaced with a new Electrical Code Supplement of 2013.

Subtitle 12 D (Fuel Gas Code Supplement of 2008) is repealed in its entirety and replaced with a new Fuel Gas Code Supplement of 2013.

Subtitle 12 E (Mechanical Code Supplement of 2008) is repealed in its entirety and replaced with a new Mechanical Code Supplement of 2013.

Subtitle 12 F (Plumbing Code Supplement of 2008) is repealed in its entirety and replaced with a new Plumbing Code Supplement of 2013.

Subtitle 12 G (Property Maintenance Code Supplement of 2008) is repealed in its entirety and replaced with a new Property Maintenance Code Supplement of 2013.

Subtitle 12 H (Fire Code Supplement of 2008) is repealed in its entirety and replaced with a new Fire Code Supplement of 2013.

Subtitle 12 I (Energy Conservation Code Supplement of 2008) is repealed in its entirety and replaced with a new Energy Conservation Code Supplement of 2013.

Subtitle 12 J (Existing Building Supplement of 2008) is repealed in its entirety and replaced with a new Existing Building Code Supplement of 2013.

Subtitle 12 K (Fees) is redesignated as Subtitle M (Fees).

A new Subtitle 12 K (Green Construction Code Supplement of 2013) is added.

A new Subtitle 12 L (Swimming Pool and Spa Code Supplement of 2013) is added.

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For purposes of clarity, the following table lists each chapter of the ICC and NFPA 70 codes amended by the District of Columbia Construction Codes Supplement of 2013:

SUBTITLE A – BUILDING CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	Use Group and Classification
Chapter 4	Special Detailed Requirements Based on Use and Occupancy
Chapter 5	General Building Heights and Areas
Chapter 7	Fire-Resistance-Related Construction
Chapter 9	Fire Protection Systems
Chapter 10	Means of Egress
Chapter 12	Interior Environment
Chapter 14	Exterior Walls
Chapter 15	Roof Assemblies and Rooftop Structures
Chapter 16	Structural Design
Chapter 18	Soils and Foundations
Chapter 26	Plastic
Chapter 30	Elevators and Conveying Systems
Chapter 31	Special Construction
Chapter 32	Encroachments into the Public Right-of-Way
Chapter 33	Safeguards During Construction
Chapter 34	Existing Structures
Chapter 35	Referenced Standards
Appendix E	Supplementary Accessibility Requirements

SUBTITLE B – RESIDENTIAL CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 3	Building Planning
Chapter 9	Roof Assemblies
Chapter 11	Energy Efficiency
Chapter 12	Mechanical Administration
Chapter 15	Exhaust Systems
Chapter 16	Duct Systems
Chapter 24	Fuel Gas
Chapter 25	Plumbing Administration
Chapter 29	Water Supply and Distribution
Chapter 30	Sanitary Drainage
Chapter 44	Referenced Standards
Appendix H	Patio Covers

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Appendix J	Existing Buildings and Structures
Appendix K	Sound Transmission
Appendix M	Home Day Care – R-3 Occupancies

SUBTITLE C – ELECTRICAL CODE SUPPLEMENT

Article 90	Introduction
Article 408	Switchboards and Panelboards

SUBTITLE D – FUEL GAS CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 5	Chimneys and Vents
Chapter 8	Referenced Standards

SUBTITLE E – MECHANICAL CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 4	Ventilation
Chapter 5	Exhaust Systems
Chapter 6	Duct Systems
Chapter 8	Chimneys and Vents
Chapter 9	Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment
Chapter 10	Boilers, Water Heaters and Pressure Vessels
Chapter 11	Refrigeration
Chapter 15	Referenced Standards

SUBTITLE F – PLUMBING CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 3	General Regulations
Chapter 4	Fixtures, Faucets and Fixture Fittings
Chapter 6	Water Supply and Distribution
Chapter 8	Indirect/Special Waste
Chapter 11	Storm Drainage
Chapter 13	Nonliquid Saturated Treatment Systems

SUBTITLE G – PROPERTY MAINTENANCE CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions

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Chapter 3	Requirements
Chapter 4	Light, Ventilation and Occupancy Limitations
Chapter 5	Plumbing Facilities and Fixture Requirements
Chapter 6	Mechanical and Electrical Requirements
Chapter 7	Fire Safety Requirements
Chapter 8	Referenced Standards

SUBTITLE H – FIRE CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	General Requirements
Chapter 5	Fire Service Features
Chapter 6	Building Services and Systems
Chapter 9	Fire Protection Systems
Chapter 10	Means of Egress
Chapter 11	Construction Requirements for Existing Buildings
Chapter 56	Explosives and Fireworks
Appendix B	Fire-Flow Requirements for Buildings
Appendix C	Fire Hydrant Locations and Distribution
Appendix D	Fire Apparatus Access Roads
Appendix H	Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

SUBTITLE I – ENERGY CONSERVATION CODE SUPPLEMENT

Chapter 1[CE]	Administration
Chapter 4[CE]	Commercial Energy Efficiency
Chapter 1[RE]	Scope and Administration

SUBTITLE J – EXISTING BUILDING CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 4	Prescriptive Compliance Method
Chapter 6	Repairs
Chapter 7	Alterations-Level 1
Chapter 8	Alterations-Level 2
Chapter 9	Alterations-Level 3
Chapter 10	Change of Occupancy
Chapter 15	Construction Safeguards

SUBTITLE K – GREEN CONSTRUCTION CODE

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Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 3	Green Building Act and ASHRAE 189.1
Chapter 4	Site Development and Land Use
Chapter 5	Material Resource Conservation and Efficiency
Chapter 6	Energy Conservation, Efficiency, and CO ₂ ^e
Chapter 7	Water Resource Conservation, Quality and Efficiency
Chapter 8	Indoor Environmental Quality and Comfort
Chapter 9	Commissioning
Chapter 10	Existing Buildings
Chapter 11	Existing Building Site Development
Chapter 12	Referenced Standards
Appendix A	Project Electives

SUBTITLE L – SWIMMING POOL AND SPA CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions

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DISTRICT OF COLUMBIA CONSTRUCTION CODES SUPPLEMENT OF 2013 12 DCMR A BUILDING CODE SUPPLEMENT

The District of Columbia has adopted the 2012 edition of the *International Building Code* (IBC), as amended by this Supplement.

IBC CHAPTERS AMENDED BY THIS SUPPLEMENT:

CHAPTER 1	ADMINISTRATION AND ENFORCEMENT
CHAPTER 2	DEFINITIONS
CHAPTER 3	USE GROUP AND CLASSIFICATION
CHAPTER 4	SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY
CHAPTER 5	GENERAL BUILDING HEIGHTS AND AREAS
CHAPTER 7	FIRE-RESISTANCE-RELATED CONSTRUCTION
CHAPTER 9	FIRE PROTECTION SYSTEMS
CHAPTER 10	MEANS OF EGRESS
CHAPTER 11	ACCESSIBILITY
CHAPTER 12	INTERIOR ENVIRONMENT
CHAPTER 14	EXTERIOR WALLS
CHAPTER 15	ROOF ASSEMBLIES AND ROOFTOP STRUCTURES
CHAPTER 16	STRUCTURAL DESIGN
CHAPTER 18	SOILS AND FOUNDATIONS
CHAPTER 26	PLASTIC
CHAPTER 29	PLUMBING SYSTEMS
CHAPTER 30	ELEVATORS AND CONVEYING SYSTEMS
CHAPTER 31	SPECIAL CONSTRUCTION
CHAPTER 32	ENCORACHMENTS INTO THE PUBLIC RIGHT-OF-WAY
CHAPTER 33	SAFEGUARDS DURING CONSTRUCTION
CHAPTER 34	EXISTING STRUCTURES
CHAPTER 35	REFERENCED STANDARDS
APPENDIX E	SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

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CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

101	General
102	Applicability
103	Department Of Consumer and Regulatory Affairs
104	Duties and Powers of Building Official
105	Permits
106	Submittal Documents
107	Temporary Structures and Uses
108	Fees
109	Inspections
110	Certificate of Occupancy
111	Service Utilities
112	Appeals
113	Violations and Infractions
114	Stop Work Order
115	Unsafe Structures and Equipment
116	Emergency Measures
117	Posting Structures
118	Addresses of Premises
119	[Reserved]
120	[Reserved]
121	[Reserved]
122	Amendments and Copies
123	Transitory Provisions

Strike Chapter 1 of the International Building Code in its entirety and insert the following in its place to read as follows:

101 GENERAL

101.1 The Construction Codes. The *D.C. Construction Codes* (2013), hereinafter referred to as the “*Construction Codes*,” shall consist of the *Building Code*, *Residential Code*, *Electrical Code*, *Fuel Gas Code*, *Mechanical Code*, *Plumbing Code*, *Property Maintenance Code*, *Fire Code*, *Energy Conservation Code*, *Existing Building Code*, *Green Construction Code* and *Swimming Pool and Spa Code* as defined in Sections 101.2 through 101.4.10 of Title 12A of the District of Columbia Municipal Regulations (DCMR), and shall include, as to any specific application, any modifications thereto authorized and duly granted by the *code official*. The *District of Columbia Construction Codes Supplement of 2013* (the “*Construction Codes Supplement*”) shall consist of the additions, insertions, deletions and changes to the 2012 editions of the *International Codes* published by the International Code Council (“ICC”) identified in Sections 101.2, 101.3 and 101.4, and the *National Electrical Code* (2011) published by the National Fire Protection

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Association (“NFPA”) (collectively, the “*International Codes*”). The *International Codes* are adopted pursuant to the provisions of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.* (2012 Supp.)) (the “Construction Codes Act”).

101.1.1 The Construction Codes Scope and Intent. 12 DCMR A, Chapter 1 shall serve as the administrative and enforcement provisions for the *Building Code*, *Residential Code*, *Electrical Code*, *Fuel Gas Code*, *Mechanical Code*, *Plumbing Code*, *Energy Conservation Code*, *Existing Building Code*, *Green Construction Code* and *Swimming Pool and Spa Code*, except as otherwise provided herein. Administrative and enforcement provisions for the *Property Maintenance Code* and the *Fire Code* are set forth in 12 DCMR G, Chapter 1, and 12 DCMR H, Chapter 1, respectively.

101.1.2 Definitions. Italicized words and terms shall have the meanings set forth in the *International Codes* or the *Construction Codes Supplement*.

101.2 D.C. Building Code. The *D.C. Building Code* (2013), hereinafter referred to as the “*Building Code*”, shall consist of the 2012 edition of the *International Building Code* (“*International Building Code*”), as amended by the *Construction Codes Supplement* (12 DCMR A, Building Code Supplement).

101.2.1 Appendices. Provisions in the appendices of the *International Building Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.2.2 Administration and Enforcement. Chapter 1 of the *International Building Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Building Code* and are incorporated by this reference.

101.2.3 Scope. The provisions of the *Building Code* shall apply to the construction, alteration, addition, repair, removal, demolition, use, location, movement, enlargement, occupancy and maintenance of all buildings and other structures, appurtenances attached to buildings or other structures, signs, advertising devices and *premises* in the District of Columbia, and shall apply to existing or proposed buildings and other structures, except as such matters are otherwise provided for in other ordinances or statutes or in the rules and regulations authorized for promulgation under the provisions of the *Building Code*. These regulations establish minimum standards: for maintenance of all structures; for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space and location; for safe and sanitary maintenance of all structures now in existence; for minimum requirements for all *existing buildings* and other structures for means of egress, fire protection systems and other equipment and devices necessary for life safety from fire; for rehabilitation and reuse of existing structures; and for construction, *alterations* and repairs.

The *District of Columbia Building Code* (2013), referred to as the “*Building Code*,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.

Exceptions:

1. Detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their accessory structures shall be permitted to comply with the *Residential Code* defined in Section 101.3.
2. *Existing buildings* undergoing repair, alteration, additions or change of occupancy shall comply with the *Existing Building Code* defined in Section 101.4.8 or the current *Construction Codes*.

101.2.4 Intent. The purpose of the *Building Code* is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, accessibility, sustainability, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

101.3 D.C. Residential Code. The *D.C. Residential Code* (2013), hereinafter referred to as the “*Residential Code*,” shall consist of the 2012 edition of the *International Residential Code* (“*International Residential Code*”), as amended by the *Construction Codes Supplement* (12 DCMR B, Residential Code Supplement).

101.3.1 Appendices. Provisions in the appendices of the *International Residential Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.3.2 Administration and Enforcement. Chapter 1 of the *International Residential Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Residential Code* and are incorporated by this reference.

101.3.3 Scope. The provisions of the *Residential Code* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *Building Code* when constructed under the *Residential Code* shall conform to Section 2904 of the *Residential Code*.

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2. *Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the Residential Code when equipped with a fire sprinkler system in accordance with Section 2904 of the Residential Code.*

101.3.4 Intent. The purpose of the *Residential Code* is to establish minimum requirements to safeguard the public health, safety, and general welfare through affordability, structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced Codes. The codes defined in Sections 101.4.1 through 101.4.10 and referenced elsewhere in the *Building Code* shall be considered part of the requirements of the *Construction Codes* to the prescribed extent of each such reference.

101.4.1 D.C. Electrical Code. The *D.C. Electrical Code* (2013), hereinafter referred to as the “*Electrical Code*,” shall consist of the 2011 edition of the *National Electrical Code* (“*National Electrical Code*”) published by the National Fire Protection Association (“NFPA”) as amended by the *Construction Codes Supplement* (12 DCMR C, Electrical Code Supplement).

101.4.1.1 Appendices. Provisions in the appendices of the *National Electrical Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.1.2 Administration and Enforcement. Article 90 of the *National Electrical Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Electrical Code* and are incorporated by this reference.

101.4.1.2.1 Mandatory Rules and Explanatory Material. Mandatory rules of the *National Electrical Code* are characterized by the use of the word “shall.” Explanatory material in the form of Fine Print Notes (FPN) is not mandatory.

101.4.1.3 Scope. The provisions of the *Electrical Code* shall apply to the design, installation, maintenance, alteration, conversion, changing, repairing, removal, and inspection of electrical conductors, equipment, and systems in buildings or other structures and on private or public space within the District of Columbia, for the transmission, distribution, and use of electrical energy for power, heat, light, radio, television, signaling, and for other purposes.

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Exceptions:

1. Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations are not subject to the *Electrical Code*.
2. Electrical installations, including associated lighting, under the exclusive control of electrical utilities for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electricity, when such installations are located in buildings used exclusively by utilities for such purposes, or outdoors on property owned or leased by the utility, or on or along public highways, streets, roads, and other public right-of-ways, or outdoors on private property by established rights such as easements, are not subject to the *Electrical Code*.
3. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures that comply with the *Residential Code* are not subject to the *Electrical Code*.

101.4.1.4 Intent. The purpose of the *Electrical Code* is to establish minimum requirements to safeguard *persons* and property from hazards arising from the use of electricity, and is not intended as a design specification or as an instruction manual for untrained *persons*.

101.4.2 D.C. Fuel Gas Code. The *D.C. Fuel Gas Code* (2013), hereinafter referred to as the “*Fuel Gas Code*,” shall consist of the 2012 edition of the *International Fuel Gas Code* (“*International Fuel Gas Code*”), as amended by the *Construction Codes Supplement* (12 DCMR D, Fuel Gas Code Supplement).

101.4.2.1 Appendices. Provisions in the appendices of the *International Fuel Gas Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.2.2 Administration and Enforcement. Chapter 1 of the *International Fuel Gas Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Fuel Gas Code* and are incorporated by this reference.

101.4.2.3 Scope. The provisions of the *Fuel Gas Code* shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous

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hydrogen systems, and related accessories, as follows:

1. Gaseous hydrogen systems shall be regulated by Chapter 7.
2. The regulations shall cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6.1. Coverage shall extend from the point of delivery to the outlet of the equipment shutoff valves. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.
3. Requirements for gas utilization equipment and related accessories shall include installation, combustion and dilution air, and venting and connection to piping systems.
4. The requirements for the design, installation, maintenance, alteration, and inspection of mechanical appliances operating with fuels other than fuel gas shall be regulated by the *Mechanical Code*.

Exception to 101.4.2.3: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures that comply with the *Residential Code*.

101.4.2.3.1 Exempted Installations and Equipment. The *Fuel Gas Code* shall not apply to the following:

1. Portable LP-Gas equipment of all types that is not connected to a fixed fuel system.
2. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.
3. Raw material (feedstock) applications except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.

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6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
8. LP-Gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.
11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors and calorimeters.
12. LP-Gas equipment for vaporization, gas mixing and gas manufacturing.
13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
14. Installation of LP-Gas systems for railroad switch heating.
15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1 of the *Fuel Gas Code*, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
17. Building design and construction, except as specified herein.
18. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
19. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

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101.4.2.4 Intent. The purpose of the *Fuel Gas Code* is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.

101.4.3 D.C. Mechanical Code. The *D.C. Mechanical Code* (2013), hereinafter referred to as the “*Mechanical Code*,” shall consist of the 2012 edition of the *International Mechanical Code* (“*International Mechanical Code*”), as amended by the *Construction Codes Supplement* (12 DCMR E, Mechanical Code Supplement).

101.4.3.1 Appendices. Provisions in the appendices of the *International Mechanical Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.3.2 Administration and Enforcement. Chapter 1 of the *International Mechanical Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Mechanical Code* and are incorporated by this reference.

101.4.3.3 Scope. The provisions of the *Mechanical Code* shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. The *Mechanical Code* shall also regulate those mechanical systems, systems components, equipment and appliances specifically addressed therein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *Fuel Gas Code*.

Exception: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures that comply with the *Residential Code*.

101.4.3.4 Intent. The purpose of the *Mechanical Code* is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

101.4.4 D.C. Plumbing Code. The *D.C. Plumbing Code* (2013), hereinafter referred to as the “*Plumbing Code*,” shall consist of the 2012 edition of the *International Plumbing Code* (“*International Plumbing Code*”), as amended by the *Construction Codes Supplement* (12 DCMR F, Plumbing Code Supplement).

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101.4.4.1 Appendices. Provisions in the appendices of the *International Plumbing Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.4.2 Administration and Enforcement. Chapter 1 of the *International Plumbing Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Plumbing Code* and are incorporated by this reference.

101.4.4.3 Scope. The provisions of the *Plumbing Code* shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The *Plumbing Code* shall also regulate non-flammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collection systems. The design and installation of fuel gas distribution piping and equipment, fuel gas fired water heaters, and water heater venting systems shall be regulated by the *Fuel Gas Code*. The design and installation of chilled water piping in connection with refrigeration process and comfort cooling, and hot water piping in connection with building heating, shall conform to the requirements of the *Mechanical Code*. The design and installation of piping for fire sprinklers and standpipes shall conform to the requirements of the *Building Code*. Water and drainage connections to such installations shall be made in accordance with the requirements of the *Plumbing Code*.

Exception: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures that comply with the *Residential Code*.

101.4.4.4 Intent. The purpose of the *Plumbing Code* is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing fixtures and systems.

101.4.5 D.C. Property Maintenance Code. The *D.C. Property Maintenance Code* (2013), hereinafter referred to as the “*Property Maintenance Code*,” shall consist of the 2012 edition of the *International Property Maintenance Code* (“*International Property Maintenance Code*”) as amended by the *Construction Codes Supplement* (12 DCMR G, Property Maintenance Code Supplement).

101.4.5.1 Appendices. Provisions in the appendices of the *International Property Maintenance Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

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101.4.5.2 Administration and Enforcement. Chapter 1 of the *International Property Maintenance Code* is deleted in its entirety. Administration and enforcement provisions for the *Property Maintenance Code* are set forth in 12 DCMR G, Chapter 1.

101.4.5.3 Scope. The provisions of the *Property Maintenance Code* shall apply to all existing residential and nonresidential buildings and other structures and all existing *premises*, and shall constitute minimum requirements and standards for: *premises*, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, operators and occupants; the occupancy of *existing buildings*, other structures and *premises*; and for administration, enforcement and penalties.

101.4.5.4 Intent. The purpose of the *Property Maintenance Code* is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4.6 D.C. Fire Code. The *D.C. Fire Code* (2013), hereinafter referred to as the “*Fire Code*,” shall consist of the 2012 edition of the *International Fire Code* (“*International Fire Code*”), as amended by the *Construction Codes Supplement* (12 DCMR H, Fire Code Supplement).

101.4.6.1 Appendices. Provisions in the appendices of the *International Fire Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.6.2 Administration and Enforcement. Chapter 1 of the *International Fire Code* is deleted in its entirety. Administration and enforcement provisions for the *Fire Code* are set forth in 12 DCMR H, Chapter 1, provided, however, that the provisions of 12 DCMR A, Chapter 1, shall apply to the enforcement by the Director of the Department of Consumer and Regulatory Affairs, as set forth in Section 103.2 below, of all *Fire Code* provisions pertaining to approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.

101.4.6.3 Scope. The provisions of the *Fire Code* shall establish regulations affecting or relating to structures, processes, *premises* and safeguards regarding: the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; conditions hazardous to life, property or public

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welfare in the occupancy of structures or *premises*; fire hazards in the structure or on the *premises* from occupancy or operation; and conditions affecting the safety of fire fighters and emergency responders during emergency operations

101.4.6.4 Intent. The purpose of the *Fire Code* is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life, safety, and property protection from the hazards of fire, explosion, or dangerous conditions in new and *existing buildings*, other structures and *premises*, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4.7 D.C. Energy Conservation Code. The *D.C. Energy Conservation Code* (2013), hereinafter referred to as the “*Energy Conservation Code*,” shall consist of the 2012 edition of the *International Energy Conservation Code* (“*International Energy Conservation Code*”), as amended by the *Construction Codes Supplement* (12 DCMR I, Energy Conservation Code Supplement).

101.4.7.1 Appendices. (The *International Energy Conservation Code* has no appendices.)

101.4.7.2 Administration and Enforcement. Chapter 1 [CE] and Chapter 1 [RE] of the *International Energy Conservation Code* are deleted in their entirety. In their place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Energy Conservation Code* and are incorporated by this reference.

101.4.7.3 Scope. The provisions of the *Energy Conservation Code* shall apply to residential and commercial buildings, the buildings’ sites, and associated systems and equipment.

101.4.7.4 Intent. The *Energy Conservation Code* shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. The *Energy Conservation Code* is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. The *Energy Conservation Code* is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

101.4.7.5 Applicability.

101.4.7.5.1 Existing Buildings. Except as specified in 12 DCMR A, Chapter 1, the *Energy Conservation Code* shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an *existing building* or building system lawfully in

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existence at the time of adoption of the *Energy Conservation Code*.

101.4.7.5.2 Historic Buildings. Any building or other structure that is listed (either as an individual listing or as a contributing resource to a listed historic district) in the D.C. or National Register of Historic Places shall be exempt from the *Energy Conservation Code*, provided that the D.C. Historic Preservation Officer or the Keeper of the National Register of Historic Places certifies that compliance with the *Energy Conservation Code* will cause the loss of irretrievable historic components that may lead to the de-listing of the building or other structure.

101.4.7.5.3 Additions, Alterations, Renovations or Repairs. Additions, alterations, renovations or repairs to an *existing building*, building system or portion thereof shall conform to the provisions of the *Energy Conservation Code* as they relate to new construction without requiring the unaltered portion(s) of the *existing building* or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload *existing building* systems. An addition shall be deemed to comply with the *Energy Conservation Code* if the addition alone complies, or if the *existing building* and addition comply with the *Energy Conservation Code* as a single building.

Exceptions: The following need not comply with the *Energy Conservation Code* provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

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6. Replacement of existing doors that separate *conditioned space* from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a *conditioned space* from the exterior shall not be removed.
7. Alterations that replace less than 50 percent of the luminaries in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space, provided that the *alterations* does not increase the installed interior lighting power.

101.4.7.5.4 Change in Occupancy or Use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with the *Energy Conservation Code*. Where the use in a space changes from one use in Table C405.5.2(1) or (2) to another use in Table C405.5.2(1) or (2), the installed lighting wattage shall comply with Section C405.5.

101.4.7.5.5 Change in Space Conditioning. Any nonconditioned space that is altered to become *conditioned space* shall be required to be brought into full compliance with the *Energy Conservation Code*.

101.4.7.5.6 Mixed Occupancy. Where a building includes both *commercial* and *residential* occupancies, each occupancy shall be separately considered and meet the applicable provisions of the *Energy Conservation Code* -Commercial Provisions or the *Energy Conservation Code* - Residential Provisions.

101.4.7.6 Compliance. *Residential buildings* shall meet the provisions of the *Energy Conservation Code* – Residential Provisions. *Commercial buildings* shall meet the provisions of the *Energy Conservation Code* – Commercial Provisions.

101.4.7.6.1 Compliance Materials. The *code official* shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of the *Energy Conservation Code*.

101.4.7.6.2 Low Energy Buildings. The following buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with the *Energy Conservation Code* shall

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be exempt from the *building thermal envelope* provisions of the *Energy Conservation Code*:

1. Buildings, or portions thereof, with a peak design rate of energy usage less than 3.4 Btu/h • ft² (10.7 W/m²) or 1.0 watt/ft² (10.7 W/m²) of floor area for space conditioning purposes.
2. Buildings, or portions thereof, that do not contain *conditioned space*.

101.4.7.7 Alternate Materials – Method of Construction, Design or Insulating Systems. The *Energy Conservation Code* is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein; provided, that such construction, design or insulating system has been *approved* by the *code official* as meeting the intent of the *Energy Conservation Code*.

101.4.8 D.C. Existing Building Code. The *D.C. Existing Building Code* (2013), hereinafter referred to as the “*Existing Building Code*,” shall consist of the 2012 edition of the *International Existing Building Code* (“*International Existing Building Code*”), as amended by the *Construction Codes Supplement* (12 DCMR J, Existing Building Code Supplement).

101.4.8.1 Appendices. Provisions in the appendices of the *International Existing Building Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.8.2 Administration and Enforcement. Chapter 1 of the *International Existing Building Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Existing Building Code* and are incorporated by this reference.

101.4.8.3 Scope. The provisions of the *Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition, or relocation of *existing buildings*.

101.4.8.4 Intent. The purpose of the *Existing Building Code* is to provide the *code official* with flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare, insofar as they are affected by the repair, alteration, change of occupancy, addition or relocation of *existing buildings*.

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101.4.9 D.C. Green Construction Code. The *D.C. Green Construction Code* (2013), hereinafter referred to as the “*Green Construction Code*,” shall consist of the 2012 edition of the *International Green Construction Code* (“*International Green Construction Code*”), as amended by the *Construction Codes Supplement* (12 DCMR K, Green Construction Code Supplement).

101.4.9.1 Appendices. Provisions in the appendices of the *International Green Construction Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.9.2 Administration and Enforcement. Chapter 1 of the *International Green Construction Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Green Construction Code* and are incorporated by this reference.

101.4.9.3 Scope. The provisions of the *Green Construction Code*, including Appendix A, shall apply to the following types of projects:

1. Demolition or razing of 10,000 square feet (929 m²) or greater;
2. New construction of 10,000 square feet (929 m²) or greater;
3. Additions of 10,000 square feet (929 m²) or greater;
4. Relocation of structures of 10,000 square feet (929 m²) or greater;
5. *Alteration-Level 3*, as defined in the *Existing Building Code*, of 10,000 square feet (929 m²) or greater; or
6. Site work of 1000 square feet (93 m²) or greater.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above *grade plane* with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located.
2. Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located.
3. Group R-2 and R-4 residential buildings three stories or less in height above *grade plane*, their accessory structures, and the site or lot upon

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which these buildings are located.

4. Equipment or systems that are used primarily for industrial or manufacturing.
5. Temporary structures *approved* under Section 3103 of the *Building Code*.

101.4.9.4. Alternative Compliance Paths. In lieu of the requirements of the *Green Construction Code*, projects that (a) are covered by the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.05 (2012 Supp.)), as amended (*Green Building Act*) and comply with the requirements set forth in Section 101.4.9.4.1; or (b) are not covered by the *Green Building Act* and comply with one of the three alternative compliance paths set forth in Section 101.4.9.4.2, shall be deemed to comply with the *Green Construction Code*.

101.4.9.4.1 Projects Subject to the Green Building Act. Where a project is subject to the *Green Building Act*, and the project complies with the provisions of the *Green Building Act* and the regulations promulgated thereunder set forth in Section 302 of the *Green Construction Code*, the project shall be deemed to comply with the *Green Construction Code*.

101.4.9.4.2 Projects Not Subject to the Green Building Act. Where a project is not subject to the *Green Building Act*, but complies with the requirements of Sections 101.4.9.4.2.1, 101.4.9.4.2.2, or 101.4.9.4.2.3 the project shall be deemed to comply with the *Green Construction Code*.

101.4.9.4.2.1 Compliance Utilizing LEED. Projects designed, constructed and verified to be in compliance with one or more of the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards listed in Chapter 12 of the *Green Construction Code* at the Certified Level or higher shall be deemed to comply with the *Green Construction Code*. The *owner* shall have a 24-month period from the date of issuance of the first certificate of occupancy for the project to submit LEED certification to the *code official*.

101.4.9.4.2.2 Compliance Utilizing ASHRAE 189.1. Projects designed, constructed and verified to be in compliance with the applicable requirements of ANSI/ASHRAE/USGBC/IES Standard 189.1-2011, Standard for the Design of High Performance Green Buildings Except Low-Rise Residential Buildings (“ASHRAE

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189.1”), as adopted and amended by Section 303 of the *Green Construction Code*, shall be deemed to comply with the *Green Construction Code*.

101.4.9.4.2.3 Compliance Utilizing Green Communities. Group R-2 occupancies designed, constructed and verified to be in compliance with the Enterprise Green Communities standard listed in Chapter 12 of the *Green Construction Code* shall be deemed to comply with the *Green Construction Code*. The owner shall have a 24-month period from the date of issuance of the certificate of occupancy for the Group R-2 occupancy to submit certification of compliance with the Enterprise Green Communities standard to the code official.

101.4.9.5 Intent. The *Green Construction Code* is intended to safeguard the environment, public health, safety and general welfare through the establishment of requirements to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

101.4.10 D.C. Swimming Pool and Spa Code. The *D.C. Swimming Pool and Spa Code* (2013), hereinafter referred to as the “*Swimming Pool and Spa Code*,” shall consist of the 2012 edition of the *International Swimming Pool and Spa Code* (“*International Swimming Pool and Spa Code*”), as amended by the *Construction Codes Supplement* (12 DCMR L, Swimming Pool and Spa Code Supplement).

101.4.10.1 Appendices. Provisions in the appendices of the *International Swimming Pool and Spa Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.4.10.2 Administration and Enforcement. Chapter 1 of the *International Swimming Pool and Spa Code* is deleted in its entirety. In its place, the provisions of 12 DCMR A, Chapter 1, shall apply to the *Swimming Pool and Spa Code* and are incorporated by this reference.

101.4.10.3 Scope. The provisions of the *Swimming Pool and Spa Code* shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of *aquatic vessels*.

101.4.10.4 Intent. The purpose of the *Swimming Pool and Spa Code* is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality

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of materials, location and maintenance or use of *aquatic vessels*.

101.4.10.5 Applicability. Any *aquatic vessel* and related mechanical, electrical and plumbing systems lawfully in existence at the time of the adoption of the *Swimming Pool and Spa Code* shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created.

101.4.10.5.1 Moved *Aquatic Vessels*. Unless covered by Section 101.4.10.5, systems that are a part of *aquatic vessels* or systems moved into or within the District of Columbia shall comply with the provisions of the *Swimming Pool and Spa Code* for new installations.

101.4.10.6 Other Requirements. Owners and operators of swimming pools and spas shall also comply with other agency requirements including the Department of Health (DOH) regulations set forth in 25-C DCMR, Chapter 64, and District Department of the Environment (DDOE) regulations set forth in 21 DCMR, Chapter 5.

101.5 Jurisdiction. The *Construction Codes* shall apply to buildings, other structures and *premises* within the limits of the District of Columbia, including buildings, other structures and *premises* owned, occupied or controlled by the government of the District of Columbia or any of its independent agencies.

101.5.1 Exemption from Jurisdiction. Except for permit requirements for land disturbing activities involving the implementation of storm water management, erosion and sediment control, and floodplain management measures, and to the extent required by the Soil Erosion and Sedimentation Control Amendment Act of 1994, effective August 26, 1994 (D.C. Law 10-166; D.C. Official Code § 6-1403 (2008 Repl.)), the *Construction Codes* shall not apply to public buildings or *premises* owned by the United States government, including appurtenant structures and portions of buildings, *premises*, or structures that are under the exclusive control of an officer of the United States government in his or her official capacity. If a lessor is responsible for maintenance and repairs to property leased to the United States government, the property shall not be deemed to be under the exclusive control of an officer of the United States government. If the underlying real property is owned by the United States government, but leased to private parties for development pursuant to a long-term ground lease or comparable property interest, the property shall not be deemed to be under the exclusive control of an officer of the United States government for purposes of this exemption.

101.5.2 Foreign Missions. The *Construction Codes* shall apply to those buildings occupied by or for any foreign government as an embassy or chancery to the extent provided for in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96

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Stat. 286; D.C. Official Code § 6-1306(g) (2008 Repl.)), that is, foreign missions shall substantially comply with the *Construction Codes* as required by the U.S. Secretary of State in a manner determined by the Secretary not to be inconsistent with the international obligations of the United States. Notwithstanding the foregoing, a permit shall be required for all land disturbing activities.

101.5.3 President or Vice President’s Residence. No permit required under the *Construction Codes* shall be issued if it is determined by the *code official*, defined in Section 103.1 of the *Building Code*, that:

1. The permit affects an area in close proximity to the official residence of the President or Vice President of the United States; and
2. The United States Secret Service has established that the issuance of the permit would adversely impact the safety and security of the President or the Vice President of the United States.

101.5.4 Structures Located in or Adjacent to Rivers or Bodies of Water. The *Construction Codes* shall apply to structures, including, but not limited to, piers, wharves, jetties, slips, boat storage facilities, marinas, and pilings, located in or adjacent to any river or body of water within the limits of the District of Columbia. Notwithstanding the foregoing, work affecting navigable waters may also require a permit from the U.S. Army Corps of Engineers pursuant to the Rivers and Harbors Act of 1899, effective March 3, 1899 (30 Stat. 1151; 33 U.S.C. § 401 (2007)).

102 APPLICABILITY

102.1 General. The provisions of these regulations shall cover all matters affecting or relating to buildings, other structures, and systems as set forth in Section 101. A building or other structure shall not be constructed, maintained, extended, repaired, removed or altered in violation of these provisions.

Exception: The raising, lowering, or moving of a building or other structure as a unit, necessitated by a change in legal grade or widening of a street, shall be permitted provided that the building or other structure is not otherwise altered, that its use or occupancy is not changed, and that the building or other structure complies with the code provisions originally applicable to the building or other structure.

102.1.1 Code Precedence. Unless otherwise provided herein, or in the Construction Codes Act, the *Construction Codes Supplement* shall take precedence over the following: *International Building Code*, including standards and amendments; *International Residential Code*, including standards and amendments; *National Electrical Code*, including standards and amendments; *International Fuel Gas Code*, including standards

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and amendments; *International Mechanical Code*, including standards and amendments; *International Plumbing Code*, including standards and amendments; *International Property Maintenance Code*, including standards and amendments; *International Fire Code*, including standards and amendments; *International Energy Conservation Code*, including standards and amendments; *International Existing Building Code*, including standards and amendments; *International Green Construction Code*, including standards and amendments; and *International Swimming Pool and Spa Code*, including standards and amendments.

No provision of the *Construction Codes* shall be deemed to modify or amend any provision of the *Zoning Regulations* of the District of Columbia (11 DCMR), as amended, or any relief granted or order issued pursuant thereto (collectively, the “*Zoning Regulations*”), nor shall any provision of those *Zoning Regulations* be deemed to modify or amend any provision of the *Construction Codes*. Where a provision of the *Construction Codes* is deemed to be in conflict with any provision of the *Zoning Regulations*, then a waiver of the applicable provision of the *Construction Codes* must be sought from the *code official* or there must be relief granted pursuant to the applicable provisions of the *Zoning Regulations*.

102.1.2 Conflicts. Where, in any specific case, different sections of the *Construction Codes* specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement within the *Construction Codes*, the specific requirement shall be applicable.

102.2 Performance of Work in Public Space. Work performed in a public space, not specifically addressed in the *Construction Codes*, shall conform to the pertinent standards of the District of Columbia Department of Transportation (DDOT) and of the District of Columbia Water and Sewer Authority (DC Water).

102.3 Application of References. Unless otherwise specifically provided in the *Construction Codes*, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of the *Construction Codes*.

102.4 Referenced Standards. The standards referenced in the *Construction Codes* and listed in Chapter 35 of the *International Building Code*, in Chapter 44 of the *International Residential Code*, in Annex A of the *National Electrical Code*, in Chapter 8 of the *International Fuel Gas Code*, in Chapter 15 of the *International Mechanical Code*, in Chapter 13 of the *International Plumbing Code*, in Chapter 8 of the *International Property Maintenance Code*, in Chapter 80 of the *International Fire Code*, in Chapters 5[RE] and 5[CE] of the *International Energy Conservation Code*, in Chapter 16 of the *International Existing Building Code*, in Chapter 12 of the *International Green Construction Code*, and in Chapter 11 of the *International Swimming*

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Pool and Spa Code shall be considered a part of the requirements of the *Construction Codes* to the prescribed extent of each such reference.

102.4.1 Conflicts. If conflict arises between the provisions of the Construction Codes Act and the *Construction Codes Supplement*, the *International Codes*, or their referenced standards, the provisions of the Construction Codes Act shall take precedence. If conflict arises between the *Construction Codes Supplement*, the *International Codes*, and their referenced standards:

1. The provisions of the *Construction Codes Supplement* shall take precedence over the *International Codes* and their referenced standards except as provided in subparagraphs 2 and 3.
2. The provisions of the *Existing Building Code* shall take precedence over other provisions of the *Construction Codes* and their referenced standards with regard to existing structures and Use Group R-4 buildings.
3. The most stringent provisions of the *Existing Building Code* shall take precedence when a building is both an existing structure and in Use Group R-4.
4. The provisions of the *International Codes*, other than their referenced standards, shall take precedence over their referenced standards.

102.5 Severability. If any part or provision of the *Construction Codes* is held illegal or void, this shall not make void or illegal any other parts or provisions of the *Construction Codes*, which shall be determined to be legal. It shall be presumed that the *Construction Codes* would have been enacted and adopted without such illegal or void parts or provisions.

102.5.1 Severance of Invalid Provisions. Any illegal or void part of the *Construction Codes* shall be severed from the remainder of the *Construction Codes* by the court holding such part illegal or void, and the remainder of the *Construction Codes* shall remain effective.

102.5.2 Decisions Involving Existing Structures. The invalidity of any provision in any section of the *Construction Codes* as applied to *existing buildings* and other structures shall not be held to affect the validity of such section in its application to buildings and other structures erected after the effective date of the *Construction Codes*.

102.6 Continuation of Legal Use and Occupancy. The legal use and occupancy of any structure existing on the effective date of the *Construction Codes*, or for which a permit has already been *approved*, shall be permitted to continue without change.

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Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, or the *Fire Code* that are specifically required to be applied retroactively.
2. Provisions of the *Construction Codes* deemed necessary by the *code official*, as defined in Section 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

102.7 Continuation of Unlawful Use. The continuation of occupancy or use of a building or other structure, or of a part thereof, contrary to the provisions of the *Construction Codes* or to the provisions of the *Zoning Regulations*, shall be deemed a violation or infraction under Section 113 of the *Building Code*. The *code official*, as defined in Section 103.1 of the *Building Code*, is authorized to issue a notice of violation and order requiring discontinuance of the use or occupancy pursuant to Section 113 of the *Building Code*, and the *owner* or other violator shall be subject to the penalties or fines prescribed in Section 113 of the *Building Code*.

103 DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

103.1 Code Official. The Director of the Department of Consumer and Regulatory Affairs (“Director”) shall be, and shall hereinafter be referred to as, the *code official* for the enforcement of the provisions of the *Construction Codes*, except those provisions of the *Fire Code* that shall be enforced by the Fire Chief as provided in Section 103.2. Where in the *Construction Codes* the term “building official” is used, it shall mean the “*code official*.”

103.1.1 Delegation of Authority. The *code official* shall have the authority to delegate his or her duties and powers under the *Construction Codes*, but he or she shall remain responsible for the proper performance of those duties and powers.

103.1.2 Department. Where used herein the word “*Department*” shall refer to the Department of Consumer and Regulatory Affairs, except that references to “*Department*” in the *Fire Code* shall refer to the D.C. Fire and Emergency Medical Services Department (“Fire Department”).

103.2 Code Official for the Fire Code. The Chief of the Fire Department (“Fire Chief”) shall be the *code official* for the enforcement of the *Fire Code*, except that the Director of the Department of Consumer and Regulatory Affairs shall be the *code official* for enforcement of all provisions of the *Fire Code* pertaining to approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.

103.3 Organization. The *code official* shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the *Construction Codes*.

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103.3.1 Deputy. The *code official* is authorized to designate an employee or employees as deputy who shall exercise powers of the *code official* during the temporary absence or disability of the *code official*, as delegated.

103.4 Conflicts of Interest. No official or employee of the *Department* shall directly or indirectly engage in any private business transaction or activity, which tends in any way to interfere with the performance of his or her duties, including:

1. **Furnishing of Services.** Being engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building under the jurisdiction of the *Construction Codes*, or the preparation of plans or specifications of a building under the jurisdiction of the *Construction Codes*, unless the official or employee is the principal owner of the building.
2. **Conflict with Official Duties.** Engaging in any work which conflicts with official duties or with the interests of the *Department*.
3. **Private Work.** Directly or indirectly engaging with or accepting remuneration from any private person, firm, or corporation for the performance of any work as a designer, architect, engineer, consultant, or inspector, which work is to be submitted to, passed upon, reviewed, or inspected by any officer of the District of Columbia charged with the administration of any portion of the *Construction Codes*.

103.5 Public Access to Records. In accordance with procedures established by the *code official*, official records of the *Department* shall be available for public inspection at all appropriate times pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.* (2012 Repl.)). Pursuant to D.C. Official Code § 2-532, the *Department* may collect a fee in accordance with 1 DCMR § 408 for researching and copying any requested documents, except that Advisory Neighborhood Commissioners shall not be required to pay this fee.

104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of the *Construction Codes*. The *code official* shall have the authority to render interpretations of the *Construction Codes* and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the *Construction Codes*. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the *Construction Codes*.

104.1.1 Administrative Bulletins. The *code official* shall have the authority to

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promulgate from time to time *administrative bulletins* that shall be effective upon publication in the D.C. Register. *Administrative bulletins* shall be titled, numbered, and dated. *Administrative bulletins* shall be publically available at the *Department's* permit center and shall be posted on the *Department's* website. The *code official* shall maintain on the *Department's* website the same *administrative bulletins* as available at the *Department's* permit center.

104.2 Applications and Permits. The *code official* shall receive applications, review submittal documents, and issue permits and certificates authorized by the *Construction Codes*; and enforce compliance with the provisions of the *Construction Codes*.

104.3 Notices and Orders. The *code official* shall issue all necessary notices or orders to ensure compliance with the *Construction Codes*, and shall institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.* (2012 Supp.)), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2002, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.01 *et seq.* (2010 Repl.)).

104.4 Inspections. The *code official* is authorized to inspect the *premises* for which a permit or certificate has been issued, and shall make all of the required inspections. The *code official* shall have authority to accept reports of inspection by *approved agencies*. The *code official* is authorized to engage such expert opinion as is deemed necessary to report upon unusual technical issues that arise.

104.5 Identification. The *code official*, and authorized representatives of the *code official*, shall carry proper credentials when inspecting structures or *premises* in the performance of their duties under the *Construction Codes*.

104.6 Right of Entry. The *code official*, in the performance of his or her duties, shall have the right to enter any unoccupied building; any building under construction, alteration, or repair; any building being razed or moved; any building or *premises* which he or she has reason to believe to be unsafe or a menace to life or limb; or any building, the use of which may require the issuance of a license or a certificate of occupancy. With respect to the inspection of any occupied habitable portion of any building, consent to such inspection shall first be obtained from any person of suitable age and discretion therein, except that if an acute emergency occurs and immediate steps must be taken to protect the public, such consent need not be obtained. When attempting to gain entrance for inspection, the *code official*, and authorized representatives of the *code official*, shall show official credentials issued by the *Department*. If entry is refused, the *code official* is authorized to apply to the Superior Court for an administrative search warrant, pursuant to D.C. Official Code §§ 42-3131.02 and 42-3509.08 and Sup. Ct. Civ. R. 204

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104.7 Department Records. The *code official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records of the *Department* for the period required for retention of public records.

104.8 Relief from Personal Liability. Unless otherwise provided by Federal or District of Columbia law, the *code official* and any officials or employees of the *Department* charged with enforcement of the *Construction Codes* acting in their official capacity shall not be liable personally, and are relieved from all personal liability for any damage that may accrue to *persons* or property as a result of any act required or permitted in the discharge of their official duties.

104.8.1 Defense of Suits. Any suit instituted against the *code official* or any official or employee of the *Department* because of an act performed in the discharge of official duties and under the provisions of the *Construction Codes*, or by reason of any act or omission while performing official duties in connection with the *Construction Codes*, shall be defended by the Office of the Attorney General for the District of Columbia until the final termination of legal proceedings.

104.8.2 Liability for Costs. The *code official* and any official or employee of the *Department* shall not be personally liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the *Construction Codes*.

104.8.3 Liability for Acts or Omissions. Any official or employee of the *Department*, acting in good faith and without malice, shall be free from liability for acts performed under the provisions of the *Construction Codes*, or by reason of any act or omission while performing official duties in connection with the *Construction Codes*.

104.9 Approved Materials, Equipment and Devices. All materials, equipment and devices *approved* for use by the *code official* shall be constructed and installed in accordance with such approval.

104.9.1 Used Materials, Equipment and Devices. The use of used materials which meet the requirements of the *Construction Codes* for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *code official*.

104.9.2 Unlabeled Products. Where materials, assemblies or products are required by the *Construction Codes* to be labeled, those materials, assemblies or products which are not labeled, listed or classified by an *approved* testing agency and which are proposed to be installed in the District of Columbia, shall be tested and labeled by an *approved* testing laboratory or shall be *approved* in accordance with Sections 1701 and 1703 of the *Building Code* at the expense of the applicant, before a permit can be granted for this installation.

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104.9.3 Assembled Components. Any mechanical or electrical appliance which is not labeled, listed or classified by an *approved* testing agency, which is an assembly of individually labeled or listed subassemblies or components and which is proposed to be installed in the District of Columbia, shall be tested and *approved* in accordance with Section 104.9.2 of the *Building Code*, before a permit can be granted for its installation.

104.9.4 Modular Structures. Before erecting or installing in the District of Columbia any factory assembled structure, manufactured at a remote site and transported in one or more sections, a complete set of drawings shall be submitted for review prior to the issuance of a building permit. These drawings shall include a certificate of approval by a factory inspection agency that has been *approved* by the *code official*. The drawings shall be submitted to the *code official* for plan review and permitting and shall include a set of the manufacturer's installation specifications and designate the applicable portions of construction that are required to have field inspection by the *code official*, including all utility connections, the marriage line connections and the foundation plate nailing patterns. These drawings shall be stamped by a structural engineer or architect licensed in the District of Columbia, and include the site constructed or assembled foundation system details and specifications. Separate permits issued by the *Department* for plumbing, mechanical, and electrical connections shall be required. Inspections of all work conducted on site shall be in accordance with Section 109. Prior to placement of the factory assembled structure on a footing and foundation, all required footing and foundation inspections shall require approval by the *code official*, including the footing drains and any required waterproofing.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of the *Construction Codes*, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative; provided, that the *code official* shall first find that special individual reasons make the strict letter of the *Construction Codes* impractical, that the modification is in compliance with the intent and purpose of the *Construction Codes*, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of the action granting modification shall be recorded and entered in the appropriate files of the *Department*. The *code official* may seek the opinion of the Office of the Attorney General for the District of Columbia when deemed necessary for the requested modification.

104.10.1 Procedure for Modifications. The application for modification shall be submitted on a form provided by the *Department* and sealed by the registered design professional if applicable. The final decision of the *code official* shall be in writing and shall be officially recorded with the application for permit in the permanent records of the *Department*.

104.10.2 Improper Procedure. Any verbal waiver or verbal permission to deviate from or violate any provision of the *Construction Codes* is null and void.

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104.11 Alternative Materials, Equipment, Methods of Construction and Design. The provisions of the *Construction Codes* are not intended to prevent the use of any material, equipment or method of construction not specifically prescribed by the *Construction Codes*, provided any such alternative has been *approved* by the *Department*. Alternative materials, equipment or methods of construction shall be *approved* when the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of the *Construction Codes*, and that the material, equipment or method offered is, for the purpose intended, at least the equivalent of that prescribed in the *Construction Codes* in quality, strength, effectiveness, fire-resistance, durability and safety. Approvals shall conform to Sections 1701 and 1703 of the *Building Code*.

104.11.1 Research Reports. Supporting data, where necessary to assist in the approval of materials, equipment or methods of construction not specifically provided for in the *Construction Codes* shall consist of valid research reports from sources *approved* by the *code official*.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of the *Construction Codes*, or evidence that a material, equipment or method of construction does not conform to the requirements of the *Construction Codes*, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests as evidence of compliance to be made at no expense to the government of the District of Columbia. Test methods shall be specified in the *Construction Codes* or by other recognized and accepted test standards in the industry. In the absence of recognized and accepted test methods, the *code official* is authorized to approve appropriate testing procedures. Tests shall be performed by an agency *approved* by the *code official*. Reports of such tests shall be retained by the *code official* for the period required for retention of public records.

104.12 Reasonable Accommodation Under the Fair Housing Act. Requests for reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B), as amended, shall be made according to the procedures set forth in 14 DCMR § 111.

105 PERMITS

105.1 Required Permits. Depending on the scope of work, an *owner* or authorized agent who intends to undertake any of the activities set forth in items 1 through 4 below, or to cause any such work to be done, shall first make application to the *code official* and obtain the required permit(s) relevant to the intended work:

1. Construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or other structure; or

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2. Erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the *Construction Codes*, or to cause any such work to be done; or
3. Install tower cranes or other similar hoisting devices on public space or private property; or
4. Undertake any other activity regulated by the *Construction Codes*.

105.1.1 Classification of Permits. For the purposes of the *Construction Codes*, permits issued by the *Department* shall be classified as follows:

1. Building permits.
2. Raze permits.
3. Trade permits:
 - 3.1. Electrical;
 - 3.2. Gas;
 - 3.3. Mechanical;
 - 3.4. Plumbing;
 - 3.5. Elevators and conveying systems;
 - 3.6. Boilers.
4. Sign and canopy permits.
5. Foundation and earthwork permits.
6. Miscellaneous permits.
 - 6.1. Projection permits;
 - 6.2. Crane and derrick permits;
 - 6.3. After-hours permits;
 - 6.4. Other activities as may be determined by the *code official*, and set

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forth by the *Department* in *administrative bulletins*.

105.1.2 Permitted Construction Hours. Authorized construction hours permitted in the District of Columbia, for work conducted under a permit, are from 7 a.m. to 7 p.m. Mondays through Saturdays, excluding legal holidays.

105.1.3 After Hours Permit. Any request to work pursuant to a permit beyond permitted construction hours shall be made by application to the *code official* and shall be subject to noise regulations set forth in 20 DCMR. No after-hours permit shall be issued for work in an area zoned “residential” under the *Zoning Regulations* then in effect, or in an area within 500 feet (152 400 mm) of such residential zone, or within 500 feet (152 400 mm) of a building with sleeping quarters, unless the *code official* determines that not issuing such permit would pose a threat to public safety, health and welfare.

105.1.4 Establishment of Special Flood Hazard Areas. The District of Columbia has established a *Special Flood Hazard Area*, as delineated on the Federal Emergency Management Agency’s Flood Insurance Rate Map and adopted by the District at 20 DCMR § 3101.2. For purposes only of this subsection and 20 DCMR Chapter 31, “development,” as defined in 20 DCMR § 3199.1, shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets and other paving, utilities, filing, grading, excavation, mining, dredging, drilling operations, storage of equipment or materials, and the subdivision of land.

105.1.5 Annual Permit. In lieu of an individual permit for each alteration to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized, upon application therefore, to issue an annual permit allowing alterations to such installations to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, other structure or on the *premises* owned or operated by the applicant for the permit.

105.1.5.1 Annual Permit Records. The person or entity to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The *code official* shall have access to such records at all times or such records shall be filed with the *code official* as designated.

105.1.6 Licensing Requirements. Electrical, mechanical, plumbing, and fuel work requiring a permit shall be performed, as applicable, by a licensed electrician, plumber, gas-fitter, and/or refrigeration and air-conditioning mechanic licensed pursuant to D.C. Official Code § 47-2853.01 *et seq.* (2012 Supp.)

105.1.7 Raze Permits. Before a raze permit is issued, the *owner* of the building or other structure to be razed, or the *owner’s* agent, shall post and maintain a notice furnished by

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the *code official* on the façade fronting on the public street of the building or other structure as designated by the *code official*, so as to be visible from the public way. The raze permit shall not be issued by the *code official* until at least 30 days after the date the notice is posted on the building or other structure. This notification requirement shall not apply to any emergency raze ordered by the *code official*. Violations of this subsection shall be deemed a Class 3 infraction pursuant to 16 DCMR § 3200.

105.1.7.1 Other Requirements. Prior to issuing a raze permit, the *code official* is authorized to require the *applicant* to submit clearances and/or information, including, but not limited to, asbestos removal, utility disconnects, grading plans, and historic preservation, and to provide notification to adjoining property *owners* where party walls are involved.

105.1.7.2 Fee. The applicant for a raze permit shall pay a fee for the furnishing of the notice required under Section 105.1.7 in accordance with the applicable fee schedule published in the *D.C. Register*, as amended from time to time.

105.1.8 Emergency Work. When necessary to make emergency repairs or replacements to buildings, other structures or systems, an application for a permit to cover all emergency work shall be submitted no later than the first business day following the performance of such emergency work.

105.1.9 Posting of Permit. The permit, or a copy thereof, shall be kept on the work site and conspicuously displayed at a location visible from the street until the completion of the project.

105.10 Grounds for Permit Denial. The *code official* is authorized to deny permits pursuant to D.C. Official Code § 6-1408.01 (2008 Repl.).

105.2 Work Exempted from Permit. This Section 105.2 sets forth exemptions from permit requirements, subject to historic and *Special Flood Hazard Area* restrictions set forth in Sections 105.2.5 and 105.2.6 respectively. Exemptions from permit requirements of the *Construction Codes* shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the *Construction Codes* or of any other laws, regulations or ordinances of the District of Columbia.

Building:

1. Brick pointing.
2. Caulking, patching and plaster repair of non-rated assemblies.
3. Installation of window screens and storm windows.

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4. Repair in kind of existing fences.
5. Painting other than fire-retardant paint.
6. Papering, tiling, carpeting, floor covering, cabinets, countertops and similar finish work.
7. Replacement *in kind* of one of the items listed hereafter. For the purpose of this section, “replacement in kind”, means replacement with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail and dimensions.
 - 7.1. Roofing and coping.
 - 7.2. Siding.
 - 7.3. Gutters and downspouts and fascia.
 - 7.4. Private sidewalks and driveways.
 - 7.5. Patios
 - 7.6. Non-rated suspended ceiling tile.
 - 7.7. Not more than 160 square feet (14.9 m²) of gypsum board excluding installation of fire-rated gypsum wall board or shaft liner.
8. A single garden storage shed that does not exceed 50 square feet (4.65 m²) in area, is less than ten feet (3048 mm) in overall height, is an accessory structure to a building of Use Group R-3 or to a building under the jurisdiction of the *Residential Code*, and is erected on a lot with no other exempted storage shed.
9. Prefabricated pools, accessory to a Use Group R-3 occupancy, or accessory to buildings under the jurisdiction of the *Residential Code*, which are less than 24 inches (610 mm) deep, do not exceed 1000 gallons (3785.41L), are installed entirely above ground and are not designed or manufactured to be connected to a circulation system.
10. Retaining walls that are not over four feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, for one and two family dwellings only where the area of land disturbance is less than 50 square feet (4.65 m²).

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11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
12. Swings and other playground equipment accessory to one- and two-family dwellings.
13. Movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1753 mm) in height.

Electrical:

1. Repair portable electrical equipment.
2. Repair lighting fixtures.
3. Repair or replace ballasts, sockets, receptacles, or snap switches.
4. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles, and other minor repairs at existing outlets.
5. Electrical equipment used for radio and television transmissions; however, a permit is required for equipment and wiring for a power supply and the installations of towers and antennas.
6. Listed cord-and-plug connected temporary decorative lighting.
7. Reinstallation of plug receptacles but not the outlets thereof.
8. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
9. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are

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not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment or appliances regulated by the *Construction Codes*.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigerating systems containing 10 pounds (5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainage, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the *Construction Codes*.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. Repair or replacement of water meters performed by DC Water.

105.2.1 [Reserved].

105.2.2 Ordinary Repairs. Permits are not required for ordinary repairs to buildings, other structures or equipment. Ordinary repairs shall not include:

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1. The cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; or
2. Addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public Service Agencies. A permit shall not be required under the *Construction Codes* for the installation, alteration or repair of equipment used for generation, transmission, distribution, metering or treatment that is under the ownership or control of public service agencies subject to the jurisdiction of the Public Services Commission or DC Water.

Exception: A permit shall be required for all projects involving land disturbing activities and for all work described in Section 105.2.5.

105.2.4 [Reserved].

105.2.5 Permit Exemptions Not Applicable in Historic Districts or to Historically Designated Structures. When the proposed scope of work would qualify to be exempted from permit pursuant to Section 105.2 of this chapter, and the work is to occur on the land of or the exterior of buildings or other structures located in historic districts, or of historically designated buildings or other structures, an application for a building permit pursuant to Section 105.1 shall be required for the following work described in Section 105.2 **Building:** 1. Brick pointing; 4. Repair or replacement of fences, except as deemed an ordinary repair; 5. Painting of unpainted exterior masonry at a landmark property; 7. Replacement in kind, except of interior ceiling tile and gypsum board; 8. Garden storage shed; 9. Prefabricated pools; and 10. Retaining walls.

105.2.6 Permit Exemptions Not Applicable in Special Flood Hazard Areas. When the proposed scope of work would qualify to be exempted from permit requirements pursuant to Section 105.2 of this chapter, and the work is to occur on land designated as a *Special Flood Hazard Area* on the Federal Emergency Management Agency's Flood Insurance Rate Map for the District (20 DCMR § 3101.2), a building permit shall be required.

105.3 Application for Permit. To obtain a permit, the *owner* or the authorized agent (herein referred to as the applicant) shall submit to the *code official* an application for permit. Where a permit is required, it shall be obtained by applicant prior to the commencement of any work, except as provided in Section 105.1.8. For trade permits, the applicant shall be the contractor

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responsible for the work to be done.

An application shall be submitted in the form prescribed and provided by the *code official*. Unless otherwise specified by the *code official*, the application shall:

1. Be accompanied by any filing fee deposit required pursuant to Section 108.2.1.1 and any other fees required by the *code official* to be paid at the time of filing. All other fees shall be paid prior to issuance of the permit pursuant to Section 108.
2. Clearly identify and describe the work to be covered by the permit for which application is made.
3. Describe the land on which the proposed work is to be done by legal description, street address, lot and square or similar description that will readily identify and definitively locate the proposed building or work.
4. Provide sufficient information clearly distinguishing existing versus proposed use.
5. Indicate the use and occupancy for which the proposed work is intended.
6. Be accompanied by a fully completed intake form and supporting submittal documents as required by Section 106.
7. Include an accurate breakdown of construction valuation in accordance with Section 108.3.
8. Include a valid electronic mail address for communications relating to the application and for electronic service of notices and orders related to the permit.
9. Include the applicant's certification that the information provided in the application is true and correct to the best of the applicant's knowledge, and acknowledging the applicability of criminal penalties for false statements as provided in section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405 (2012 Supp.)).
10. Include the "Standards of External Effects" application required by the District of Columbia Zoning Regulations (11 DCMR, Chapter 8) if the property is located in a CM or M zone district.
11. Provide name and contact information, including a valid electronic mailing address, for the general contractor or construction manager, if known, when the application is filed. If the information is not known at the time of filing, the information shall be provided to the *code official* as soon as the general constructor or construction

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manager is selected, but no later than the scheduling of the first inspection.

12. Be signed by the applicant, or the applicant's authorized agent. The application form shall contain the statement "Making of a false statement in this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405" in the applicant's signature box.
13. Provide such other data and information as required by the *code official*.
14. For applications to authorize electrical, mechanical, plumbing or fuel gas work, include the name, signature and license number of the *person* performing the work as required by Section 105.1.6.

105.3.1 Action on Application. The *code official* shall examine or cause to be examined all applications for permit and amendments to applications within a reasonable time after filing. The *code official* may reject an application at the time of filing if the application and required supporting documents are not substantially complete. If deficiencies in the application, plans or other supporting documents are discovered during processing, the *code official* is authorized, in his or her discretion, to give the applicant an opportunity to correct the deficiencies prior to taking action to approve or reject the application. If the application or the plans do not conform to the requirements of all pertinent laws, the *code official* is authorized to reject such application. The *code official* shall state the reasons for the rejection in writing, citing specific sections of the *Construction Codes*, and stating the applicant's right of appeal under Section 112. If the *code official* is satisfied that the proposed work conforms to the requirements of the *Construction Codes* and all applicable laws, rules, and regulations, the *code official* shall issue a permit as soon as practicable.

105.3.1.1 Third-Party Plan Review. An applicant shall have the option of providing for a third-party plan review agency to perform a code compliance review of a project, at the applicant's expense, pursuant and subject to the provisions of: this Section 105.3.1; the Homestart Regulatory Improvement Amendment Act, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code § 6-1405.03 (2008 Repl.)); and the Third-Party Plan Review Program Procedure Manual, adopted by the *Department* on January 2, 2011 (the "Third-Party Plan Review Manual"), as amended.

105.3.1.2 Third-Party Plan Review Procedures. An applicant may seek an expedited submittal documents review by providing the *code official* with a certified report(s) of the findings of the third-party plan review agency, in a format acceptable to the *code official*. The *code official* shall accept such reports from *approved* third-party plan review agency or agencies, as provided for in the Third-Party Plan Review Manual.

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If the *code official* is satisfied that the report and the proposed submittal documents or certified components of submittal documents conform to the requirements of the *Construction Codes*, the *Department* shall complete its review within 15 business days of application submission. The *code official*'s final approval of the submittal documents and issuance of related permits will be provided upon receipt of approvals from other reviewing agencies.

105.3.2 Payment of Delinquent Fines and Penalties. The *code official* may refuse to issue a permit if the *owner*, applicant, or responsible officer has outstanding fines or penalties imposed under the *Construction Codes*, or if the *code official* determines that the *owner*, applicant, or responsible officer is in violation of any provision of the *Construction Codes*.

105.3.3 By Whom Application is Made. Application for a permit shall be made by the *owner* or lessee of the *premises*, building or other structure, or by the authorized agent of either. The licensed engineer, architect or interior designer employed in connection with the proposed work shall be allowed to submit an application for a building permit on behalf of the *owner* or lessee if an authorized agent.

105.3.3.1 Transfer of Permit Application. If the *owner* or lessee of the *premises*, building or other structure should change, an unexpired permit application may be transferred to a new *owner* or lessee upon approval by the *code official* of an application by the new *owner* or lessee, in a form specified by the *code official*.

105.3.3.2 Penalties for False Statements. False statements in an application may subject the permit to revocation pursuant to Section 105.6. Applicants are also subject to the penalties of section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405 (2012 Supp.)) for false statements.

105.3.4 Approval of Partial Plans. The *code official* is authorized to issue a partial permit for earth retention or the construction of foundations before the entire plans and specifications for the whole building or other structure have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the *Construction Codes*. Issuance of a partial permit by the *code official* does not constitute assurance that a permit for the entire structure will be granted. The holder of such partial permit for earth retention or foundations will proceed with the construction at the holder's own risk and without assurance that a permit for the entire structure will be granted.

105.3.5 Approval of Submittal Documents. When the *code official* issues a permit, the

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submittal documents shall be *approved*, in writing or by stamp, as “Approved.” Unless submitted electronically, one set of *approved* submittal documents so reviewed shall be retained by the *code official* and the other sets shall be returned to the applicant; at least one *approved* set shall be kept at the work site and shall be open to inspection by the *code official*.

105.3.6 Signature on Permit. The *code official*’s signature shall be attached to every permit; or the *code official* may authorize a subordinate to affix a facsimile of the *code official*’s signature to permits. The *code official*’s signature shall not be construed as indicating that the construction complies with any other requirement of District law or regulation other than the *Construction Codes* and the *Zoning Regulations*. The permit does not grant a waiver of the maximum height allowed under An Act To regulate the height of buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01 to 6-601.09 (2008 Repl.)), unless expressly indicated on the permit.

105.3.7 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The *code official* is authorized to grant a maximum of two extensions of time for agency consideration of a permit application, not exceeding 180 days each, provided that the extension is requested in writing and justifiable cause demonstrated. Refunds of the unused portion of the application file deposit shall be made pursuant to Section 108.6.

105.3.8 Amendments to Permit. The holder of a valid active building permit shall be authorized to amend it or to amend the plans, application or other records pertaining to the permit by filing, at any time before completion of the work for which the original permit was issued, an application for revision of a building permit, accompanied by a copy of the originally *approved* submittal documents and, unless submitted electronically, by two sets of the revised plans. Once such amendments are *approved* and the revised permit is issued, it shall be deemed part of the original permit and shall be kept therewith in the official records of the *Department*. A revision permit shall become invalid upon expiration of the original building permit it amends. The extension provisions of Section 105.5.1 shall apply to the original building permit and shall only affect the respective revision permits to the extent that the original building permit is extended.

105.3.9 Electronic Mail Address Update. While applications are pending for processing and after issuance of a permit, applicants and permit holders are required to update the electronic mailing address provided in the underlying permit application as specified in Section 105.3, items 8 and 11.

105.3.10 Design Professional in Responsible Charge. All design for new construction

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work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by applicable District of Columbia laws, shall be prepared by registered architects or professional engineers licensed to practice in the District of Columbia. All plans, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or professional engineer and shall bear the architect's or engineer's signature and seal in accordance with the laws of the District of Columbia. Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member or any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of engineering as defined by applicable District of Columbia laws, shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with applicable District of Columbia laws.

105.3.10.1 Exemptions. The professional services of a registered architect, professional engineer or an interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.
2. Nonstructural alteration of any building of R-3 occupancies or of any building under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.

105.3.10.2 Substitute Design Professional. If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.

105.3.11 Green Building Incentives. In order to foster green building development and encourage the District's sustainability goals, including resource conservation and increased energy and water efficiency, the *code official* is authorized to develop incentives which meet the voluntary green building standards set forth in the *Department's* Green Building Program Manual ("Green Building Program Manual"). Such incentives may include, but are not limited to, expedited permit processing.

105.4 Compliance with Code. The permit shall be an authorization to proceed with the work

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for which the permit was issued and shall not be construed as authority to violate, cancel or set aside any of the provisions of the *Construction Codes*, except as specifically stipulated by modification granted in accordance with Sections 104.10 and 104.10.1.

105.5 Expiration of Permit. Any permit issued shall become null and void if the authorized work is not begun and inspected pursuant to Section 109 within one year after the permit is issued, or if the authorized work is suspended, abandoned or not inspected pursuant to Section 109 for a period of one year. In determining whether work has been suspended or abandoned under this Section 105.5, including exceptions thereto, the *code official* shall have the right to request documentation from the permit holder and to inspect the *premises*, building or other structure for which the permit has been granted.

Exceptions:

1. Any permit issued for construction regulated by the *Residential Code* shall become invalid if the authorized work is not begun within 180 days after the permit is issued, or if the authorized work is suspended or abandoned for a period of 180 days after the date work is begun as evidenced by lack of continuous work.
2. Any permit issued for work that is to occur on land designated as a *Special Flood Hazard Area* on the Federal Emergency Management Agency's Flood Insurance Rate Map shall become invalid if the authorized work is not begun within 180 days after the permit is issued, or if the authorized work is suspended or abandoned for a period of 180 days after the date work is begun as evidenced by a lack of continuous work.
3. Any permit issued for work on *premises* or structures that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.* (2010 Repl.)), shall become invalid if the authorized work is not begun within 30 days after the permit is issued and completed within six months after the date work is begun, unless the permit is extended in accordance with Section 105.5.1.
4. The *code official* has the authority to reinstate, in writing, an expired permit upon a showing of applicable extenuating circumstances.

105.5.1 Extension of Permit. A permit may be extended upon written request, prior to expiration and upon a showing of good cause. The *code official* is authorized to grant extensions of time not to exceed 180 days per extension. Not more than four extensions of time will be granted to any permit. The *code official* may issue an extension for a period of 365 days upon demonstration of need at the time of extension application, but, in no event, shall the aggregate extensions of time exceed two years.

Exceptions:

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1. For any permit issued for work on *premises* or structures that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.* (2010 Repl.)), work must commence within 30 days after the initial permit is issued, and be completed within 180 days after the date work is begun, unless an extension of time is granted by the *code official*. If the work has not been completed within the 180 day period or any extension period granted by the *code official*, the *Department* is authorized to complete the work in accordance with D.C. Official Code § 42-3131.01 *et seq.* (2012 Supp.) and to seek any other remedies or penalties authorized by law, including monetary fines, criminal prosecution, or court orders directing correction or abatement of the violation.
2. The *code official* shall have the discretion to inspect the *premises*, building or other structure for which a permit extension has been requested prior to granting an extension.

105.5.2 [Reserved].

105.5.3 Transferability of Permits. Where a permit holder transfers a premise, building or other structure for which an unexpired permit has been issued, except where restricted by Section 113.9, the permit may be transferred to the new *owner*, upon application by the new *owner* in a form specified by the *code official*. Permits for installations related to electrical, gas, mechanical, plumbing, elevator and fire protection systems are not transferable.

105.6 Revocation of Permits. The *code official* is authorized to revoke a permit or approval issued under the *Construction Codes* or the District of Columbia Zoning Regulations (11 DCMR) (the *Zoning Regulations*), for any of the following conditions:

1. Where there is a false statement or misrepresentation of fact, or other significant inaccuracy, in the application or on the plans on which a permit or approval was based, that substantively affected the approval, including, but not limited to, inaccuracies with respect to pre-existing conditions;
2. When the construction does not comply with the *Construction Codes* (or any modification duly granted thereunder by the *code official*), the *Zoning Regulations* (or any relief granted therefrom by the Board of Zoning Adjustment or the Zoning Commission), the permit, the revised permit, one or more conditions of any Board of Zoning Adjustment or Zoning Commission Order that authorized the construction, or the *approved* plans and other information filed to obtain the permit, and when the permit holder fails to correct the non-conforming situation within the

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time period specified in a notice or order issued under Section 113;

3. When the permit holder has been cited under 12 DCMR A §115 for one or more violations of the *Construction Codes* which, by the determination of the *code official*, threaten the health and safety of the public in the District of Columbia, and when the permit holder fails to restore safety or otherwise remedy the situation under the terms and conditions of the *code official's* order and within the time period specified;
4. When the construction has been posted with two or more stop work orders, under 12 DCMR A §114, and the permit holder fails to comply with conditions stated in the orders prior to resuming construction, in two or more instances, so as to establish a pattern indicative of the permit holder's unwillingness to fully comply with the *Construction Codes*;
5. When permits are issued to a contractor whose license has expired, or is suspended or revoked by the Board having jurisdiction;
6. When the *code official* determines that the permit has been issued in error or on the basis of incorrect information supplied; or
7. When the use is located in a CM or M zone district and the use violates the "Standards of External Effects" described in the *Zoning Regulations*.

105.6.1 Effective Date of Revocations. Revocations based on items 1, 2, 4, 5, 6 or 7 of Section 105.6 are proposed actions and shall become final upon occurrence of one of the following conditions:

1. If the permit holder fails to request a hearing from: (a) the Office of Administrative Hearings within 15 business days of receipt after service pursuant to Section 105.6.3 of the notice of revocation with respect to violations of the *Construction Codes*; or (b) the Board of Zoning Adjustment within 60 days of receipt after service pursuant to Section 105.6.3 of the notice of revocation with respect to violations of the *Zoning Regulations*; or
2. If the Office of Administrative Hearings or Board of Zoning Adjustment finds that grounds exist to revoke the permit following a hearing requested by the permit holder pursuant to Section 105.6.4.

105.6.1.1 Summary Revocations; Cancellations.

1. Revocations based on item 3 of Section 105.6 shall be summary revocations

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and shall take effect on the date ordered by the *code official*.

2. The *code official* shall have the right to declare a permit null and void, if the agency determines that the permit was erroneously issued as the result of administrative or clerical error and notifies the permit holder of the error within five business days of permit issuance. Upon such notification, the permit holder shall promptly surrender the permit for cancellation, however, the failure to surrender the permit voluntarily for cancellation shall not affect its invalidity and the permit shall be cancelled upon notification to the permit holder in accordance with Section 105.6.3.

105.6.1.2 Board of Zoning Adjustment Order. When a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked, effective 10 days after the Board of Zoning Adjustment Order is served upon the permit holder. The revocation may be appealed to the District of Columbia Court of Appeals pursuant to section 11 of An Act To prescribe administrative procedures of the District of Columbia Government, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510 (2006 Repl.)).

105.6.2 Notice of Revocation. Except as provided in Section 105.6.1.1, the permit holder shall be provided, pursuant to Section 105.6.3, written notice of the *code official's* order to revoke the permit. This notice shall include the following:

1. A copy of the written order;
2. A statement of the grounds for the action taken, citing the provisions of the D.C. Official Code, the *Construction Codes* or the *Zoning Regulations* which have been violated; and
3. A statement advising the permit holder of the right to appeal the revocation in accordance with Section 105.6.4.

105.6.3 Service of Notice to Revoke a Permit. The *code official* shall effect service of a notice to revoke a permit by one of the following methods:

1. Personal service on the permit holder or the permit holder's agent;
2. Delivering the notice to the last known home or business address of the permit holder as identified by the permit application, the tax records, or business license records, and leaving it with a person over the age of 16 years old residing or employed therein;
3. Mailing the notice, via first class mail postage prepaid, at least 10 days prior

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to the date of the proposed action, to the last known home or business address of the permit holder or the permit holder's agent as identified by the permit application, the tax records, or business license records; or

4. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

105.6.3.1 Respondent's Agent. For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

105.6.3.2 Subsequent Notifications. Once the initial notice has been served:

1. The respondent shall notify the *Department* of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and
2. All other notices, orders, or any other information regarding the revocation may be sent by the *Department* via first class mail, postage prepaid.

105.6.4 Appeal from Action. The permit holder may request a hearing by the Office of Administrative Hearings or the Board of Zoning Adjustment as provided below.

105.6.4.1 Office of Administrative Hearings. The permit holder may appeal a notice of revocation to the Office of Administrative Hearings (OAH) no later than ten business days after service of written notice of the revocation upon the permit holder, pursuant to Chapter 18A of Title 2 of the D.C. Official Code (D.C. Official Code § 2-1801.01 *et seq.* (2012 Supp.)) and any regulations promulgated thereunder. The appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied by the *code official*, that the provisions of the *Construction Codes* do not fully apply, or that an equally good or better form of construction can be used. OAH shall have no authority to waive requirements of the *Construction Codes*.

105.6.4.2 Board of Zoning Adjustment. To the extent that a revocation is based in whole or in part upon a violation of the *Zoning Regulations*, any appeal of the zoning-based ground shall be heard by the Board of Zoning Adjustment in accordance with section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk and uses of buildings

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and other structures and the uses of land in the District of Columbia, and for other purposes, as amended, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07 (2008 Repl.)) and Chapter 32 of the *Zoning Regulations* (11 DCMR). The appeal shall be filed no later than 60 days after service of written notice of the revocation upon the permit holder, pursuant to D.C. Official Code § 6-641.09 (2008 Repl.), and the *Zoning Regulations*. The permit holder shall specify the provisions of the *Zoning Regulations* on which the appeal is based.

105.6.4.3 Expedited Hearings. When a summary revocation is ordered under item 3 of Section 105.6 of this chapter, the permit holder may request an expedited hearing from OAH within 72 hours (excluding Saturdays, Sundays, and legal holidays) of service of notice pursuant to Section 105.6.3, to review the reasonableness of the revocation order. At this hearing, the *code official* shall have the burden of establishing a prima facie case of immediate or serious and continuing endangerment. The OAH may not stay the *code official's* decision to revoke a permit under item 3 of Section 105.6 pending the final resolution of the hearing.

105.7 Posting of Fines. Where civil infraction citations have been issued to an applicant for a building permit for illegal construction under Section 113.7, all applicable fine amounts must be posted with the Treasurer of the District of Columbia by the applicant, prior to the issuance of any permit. Upon adjudication of said civil infraction citations, any fines or penalties not assessed to the applicant will be refunded.

106 SUBMITTAL DOCUMENTS

106.1 General. Submittal documents shall consist of *construction documents* (as specified in this Section 106 or as may be required by the *code official*), a statement of *special inspections*, a geotechnical report and other data. Where one or more submittal documents are required based on the permit applied for, submittal documents shall be submitted with the *permit* application and shall include four sets, or an electronic submission, of drawings and one set of all other supporting documents unless otherwise specified below. Submittal documents may be submitted electronically. The *construction documents* shall be prepared by a *registered design professional* where required by the *Construction Codes*. Where special conditions exist, the *code official* is authorized to require additional *construction documents* to be prepared by a registered design professional.

The *code official* is authorized to modify the requirements for submittal documents when the application for *permit* is for *alteration* or repair or when otherwise warranted.

Exceptions: The *code official* is authorized to accept and process permit applications without submissions of *construction documents* and other supporting data not required to be prepared by a registered design professional, where the *code official* finds that the nature of

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the work applied for is such that review of *construction documents* is not necessary to obtain compliance with the *Construction Codes*.

106.1.1 Architectural and Engineering Details. The *code official* shall require adequate details of structural, accessibility, fire protection, electrical, fuel gas, mechanical, plumbing, energy conservation, and green building provisions to be filed, including computations, stress diagrams, sound transmission details and other technical data essential to assess compliance with the *Construction Codes*, as further specified in this Section 106. All engineering plans and computations shall bear the signature of the District-licensed professional engineer responsible for the design as required by Section 106.3.4.

106.1.1.1 Shop Drawings. The *code official* is authorized to require that three sets of shop drawings be submitted, or an electronic submission, bearing the review stamp of the engineer of record, and bearing the seal and signature of the *registered design professional* who designed the system, before construction or installation of the following elements and systems:

1. Structural steel and steel trusses, with connection details.
2. Open web steel joists.
3. Precast and prestressed concrete.
4. Post tensioning.
5. Space frames.
6. Strong backs.
7. Curtain wall.
8. Structural wood trusses, beams, girders, and columns.
9. Concrete mixes.
10. Structural, electrical, and mechanical loads related to new construction installations of elevators, escalators and other conveying systems including, but not limited to, accessibility lifts.
11. Pre-engineered elements.
12. Suspended plaster ceiling systems.

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13. Underpinning.
14. Sheeting and shoring.
15. Formwork.
16. Automatic fire suppression systems.
17. Fire alarm systems.
18. Smoke control systems
19. Commercial kitchen hood suppression systems.
20. Flammable and combustible liquid storage tanks.
21. All installations, modernizations or alterations of elevators and conveying systems.

Exception for Items 16, 17, 18 and 19: When *approved* by the *code official*, shop drawings are not required to bear the seal and signature of *the registered design professional* who designed the system when the following conditions are met:

1. Automatic fire suppression systems shop drawings are permitted to bear the stamp and signature of a National Institute for Certification in Engineering Technology (NICET) Level III Technician certified in Automatic Sprinkler System Layout or Special Hazards Suppression Systems.
2. Fire alarm shop drawings are permitted to bear the stamp and signature of a NICET Level III Technician certified in Fire Alarm Systems.

106.1.2 Means of Egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress*, including the path of the *exit discharge* to the *public way*, in compliance with the provisions of the *Construction Codes*. In occupancies other than Group R-2, R-3 and I-1 occupancies, the *construction documents* shall designate the number of occupants to be accommodated on every floor and in all rooms and occupiable spaces.

106.1.3 Exterior Envelope. The *construction documents* for all buildings shall describe the exterior wall envelope, roof envelope and building thermal envelope in sufficient

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detail to determine compliance with the *Construction Codes*. The *construction documents* shall provide details of the exterior wall and roof envelope as required, including materials, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, details around openings, fire-resistive construction and fire-resistive protection of wall openings, wall cavities and intersections with floor assemblies, as applicable.

The submittal documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the submittal documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

106.1.4 Structural Documents. Before a permit is issued and before work can begin, structural documents shall be submitted in accordance with Section 1603 of the *Building Code*, showing the complete design, with sizes, sections, and relative locations of various structural members, floor elevations, column, or bearing wall centers, and beam or joint sizes and spacings. Documents shall be drawn to scale large enough to convey the information adequately. The *code official* shall have the right to require that the structural computations for the structure be submitted for review.

106.1.4.1 Certification of Structural Design. When the structural plans have been prepared by a professional engineer registered in the District of Columbia, practicing in the field of structural engineering, the applicant shall have the option to submit with such plans a certificate, duly executed by such structural engineer on a form provided by the *code official*, that the structural portion of the plans complies with the structural requirements of the *Construction Codes*. The *code official* is authorized to accept the structural portions of the plans thus certified, at the *code official's* discretion. Each sheet of each set of plans certified under this section shall bear the seal and signature of the certifying engineer, under the following statement: "Structural plans certified as provided in Section 106.1.4.1 of the *D.C. Construction Codes*."

106.1.4.2 Non-Structural Review. The provisions of Section 106.1.4.1 shall not relieve the *code official* from determining that the design, erection or alteration of such building or other structure complies with other applicable requirements of the *Construction Codes* and other regulations.

106.1.5 Fire Protection Documents The applicant shall provide a minimum of four sets, or an electronic submission, of plans and schedules of sufficient detail showing the applicable features and characteristics of all fire protection systems components for any system required by the *Construction Codes* or otherwise proposed to be installed. The

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construction documents shall show the location and type of all fire alarm devices, fire alarm control equipment and panels, fire alarm primary and backup power sources. Construction plans containing fire protection systems data shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). The *construction documents* shall include sufficient information and detail to adequately describe the elements of any smoke control systems including equipment location and engineering needs as required by the *Construction Codes*. The *construction documents* shall show the standpipes and automatic sprinkler system infrastructure, including the location, size and type of risers, valves, flow and pressure sensors, Siamese connections, fire pump, jockey pump, pump controllers, pump test pipes and other appurtenances of the system, as applicable. The type of sprinkler system and areas and openings requiring special coverage shall be so noted on the *construction documents*. The *construction documents* shall show details of other fire suppression systems, including gaseous and kitchen hood systems. The *construction documents* shall show capacities and loads of the means of egress, maximum travel distances at every floor, remoteness between exits, fire resistance rating of structural members, floors and walls enclosing means of egress, rating of fire doors and fire dampers, fire stop penetration details at rated wall and floor assemblies, location and type of exit signs and emergency lighting. *Construction documents* for work in part of an *existing building* shall include a scoping document listing all floors of the building and the extent to which each floor is protected with an automatic fire suppression system.

106.1.6 Elevator and Other Conveying Systems Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of plans and schedules of sufficient detail showing the applicable features and characteristics of all conveying systems components for any system required by the *Construction Codes* or otherwise proposed to be installed. These plans and schedules shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). The *construction documents* shall clearly show:

1. The location, overall dimensions and type of all vertical transportation systems;
2. The location and type of elevator lobby smoke detectors, other smoke detectors for elevator recall, as well as other fire alarm and fire suppression devices proposed to be installed in elevator machine rooms, elevator pits and top of elevator hoistways and shall include a sequence of elevator operation in emergency mode when such fire detection equipment is activated;
3. The primary and backup power sources for the elevator equipment and shall define the primary and secondary levels of elevator recall;
4. Clearances at top and bottom of hoistway and at elevator equipment spaces, minimum interior dimensions of cabs, provisions for access to elevator pits,

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provisions for drainage of elevator pits, provisions for illumination and electric power in elevator machine rooms, elevator hoistways, elevator pits and elevator equipment spaces shall be shown on the *construction documents*, as applicable; and

5. The location of provisions for emergency disconnect of elevator power in elevator pits, elevator machine rooms and elevator equipment spaces, and shall show the location of sprinkler valves and sprinkler flow sensors for systems serving elevator machine rooms and hoistways, as required.

106.1.7 Electrical Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of plans and schedules of sufficient detail and clarity showing the location and capacity of all lighting facilities, electrically operated equipment and electrical circuits required for all service equipment of the building or other structure. These plans and schedules shall be drawn to a scale of not less than 1/8 inch to the foot (10mm/m). All electrically controlled devices, including signal, communicating and lighting systems and associated wiring, wherever required under the provisions of the *Construction Codes*, shall be shown on the electrical plans for the following purposes:

1. Places of public assembly and education and control of emergency lighting systems in accordance with Section 1006 and hazardous uses requirements in Chapter 4 of the *Building Code*.
2. Stairway and exit illumination in accordance with Section 1205 and Section 1006 of the *Building Code*, “Exit” sign lighting circuits in accordance with Section 1011 of the *Building Code*, and elevator car illumination in accordance with Chapter 30 of the *Building Code*.
3. Electrical equipment and control of heating, refrigerating and ventilating machinery and devices in accordance with the *Mechanical Code*.
4. Fire protective signaling systems, automatic fire detection systems, fire department communications and supervisory services in accordance with Sections 901.6 through 901.6.3 of the *Building Code* and Section 907 of the *Building Code*.
5. Wiring of signs in accordance with 13 DCMR, and telecommunication and broadcast towers in accordance with Section 3108 of the *Building Code*.
6. Power control electric operation and circuit wiring of elevators, escalators and other conveying systems in accordance with Chapter 30 of the *Building Code*.

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7. Illumination of spaces intended for human occupancy in accordance with Section 1205 of the *Building Code*.
8. Backup emergency and standby power systems.
9. Lighting intensity levels along all required paths of egress.
10. All fire stop penetration details at rated wall and floor assemblies.

106.1.7.1 Exemptions. Electrical plans shall not be required for the following:

1. Any work exempted from the building permit requirement in accordance with Section 105.2.
2. Repair or replacement in kind of electrical equipment.
3. Work involving only structures without equipment regulated by the *Electrical Code*, such as open sheds for storage purposes, detached private garages and other similar spaces not required by the *Construction Codes* to be provided with electric current.
4. Temporary sanitary installations required for construction operations.

106.1.8 Fuel Gas Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of *construction documents*, engineering calculations, diagrams and other data, which shall be of sufficient clarity to indicate the location, nature and extent of the fuel gas work proposed and show in detail that the work conforms to the provisions of the *Construction Codes*. These documents shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). *Construction documents* shall indicate where penetrations will be made for installations and shall indicate fire stop penetration details at rated wall and floor assemblies.

106.1.9 Mechanical Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of diagrammatic mechanical equipment or system and mechanical plans, which shall show the location and arrangement of the mechanical equipment, fuel systems, ductwork and appurtenances, including safety and pressure-controlling devices. These plans shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). The plans shall show in sufficient detail the relevant features and clearances of the appliances and systems, including: fire stop penetration details at rated wall and floor assemblies, and size and type of apparatus; construction of flue, stack or chimney; stack connections; type of fuel; method of operation; and the method of compliance with all the applicable regulations for the class and type of equipment installed.

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106.1.9.1 Exemptions. Mechanical plans shall not be required for the following:

1. Any work exempted from building permit requirement in accordance with Section 105.2.
2. Repair or replacement in kind of mechanical equipment.
3. Work involving only structures without equipment regulated by the *Mechanical Code*, such as open sheds for storage purposes, detached private garages and other similar spaces not required by the *Construction Codes* to be heated.

106.1.10 Plumbing Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of plans of each floor and of a typical floor showing the complete plumbing system layout, all plumbing fixtures, total Drainage Fixture Unit (DFU) values, the water supply piping layout, together with building sections showing vertical and diagrammatic elevations of the soil, waste, vent and water supply lines with traps and valves, and the location and size of the public sewer or other disposal system. These plans shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). The plumbing plans shall show in sufficient detail: the layout and spacing of fixtures; the size, material and location of the building and storm sewers and drains; and the soil, waste, vent and water supply piping and the method or equipment proposed to prevent cross contamination, backflow and fire stop penetration details at rated wall and floor assemblies.

106.1.10.1 Public Sewer. Plans for new plumbing or alterations to existing plumbing systems shall be accompanied by a diagram showing the relative elevation of the lowest fixture and the top of the public sewer referred to in the established datum of DC Water. The plans shall show the size, number and location of all new sewer connections. A water and sewer availability slip, issued by DC Water, shall be provided with the plumbing plans for every project entailing new water or sewer service connections.

106.1.10.2 Public Water Main. Where the installation of a water distribution system or the replacement or alteration of an existing water supply system is contemplated, the plumbing plans shall show the location and size of all water lines and branches involved all fixtures or other devices to be supplied, and the minimum water pressure in the main in front of the building or other structure.

106.1.10.3 Exemptions. Plumbing plans shall not be required for the following:

1. Any work exempted from building permit requirement in accordance with

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2. Repair or replacement in kind of plumbing fixtures.
3. Work involving only structures without plumbing fixtures, such as open sheds for storage purposes, detached private garages and temporary installations for exhibition purposes where not designed for sanitary use and not directly connected to a sewage system.
4. Temporary sanitary installations required for construction operations where not designed to be directly connected to the public sewer system.

106.1.11 Energy Conservation Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of plans and schedules of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail pertinent data and features of the building and the equipment and systems as herein governed, including, but not limited to:

1. Design criteria, exterior envelope component materials, insulation materials and their R-values;
2. Fenestration U-factors and SHGCs;
3. Area-weighted U-factor and SHGC calculations; mechanical system design criteria;
4. Mechanical and service water heating system and equipment types, sizes and efficiencies;
5. Economizer description; equipment and system controls;
6. Fan motor horsepower (hp) and controls;
7. Duct sealing, duct and pipe insulation and location;
8. Lighting fixture schedule with wattage and control narrative;
9. Air sealing details; and
10. Other pertinent data to indicate compliance with the requirements of the *Energy Conservation Code* and relevant laws, ordinances, rules and regulations, as determined by the *code official*.

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These plans and schedules shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m) upon suitable material. The submittal documents and designs submitted under the provisions of Chapter 4 of the *Energy Conservation Code* shall be prepared by a registered design professional.

Exception: For residential buildings having a conditioned floor area of 5000 square feet (465 m²) or less, designs submitted under the provisions of Chapter 4 of the *Energy Conservation Code* shall be prepared by anyone having qualifications acceptable to the *code official*.

106.1.11.1 Deemed to Comply. Use of the appropriate REScheck and COMcheck tools, which are available online from the U.S. Department of Energy, are an acceptable method to comply with the residential and/or commercial requirements of the *Energy Conservation Code*.

106.1.12 Zoning Compliance Review Data. The applicant shall provide to the Zoning Division of the *Department* not less than four copies, or an electronic submission, of plans showing orientation of the property as to North, drawn to a scale indicated numerically as well as depicted graphically, and the following:

1. The shape, dimensions and topography of the lot to be built upon, in sufficient detail to allow determination of heights above existing and proposed finished grade of all proposed structures, so as to allow determination of compliance with pertinent height limitations of the *Zoning Regulations*.
2. The width of all public streets and public rights-of-way contiguous to the lot, with elevations at measuring points along them sufficient to determine compliance with the An Act To regulate the height of buildings in the District of Columbia, as amended, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.05 (2008 Repl.)).
3. The shape and location in plan of all existing and proposed structures, fully dimensioned, including orientation and distances to lot lines so as to define without ambiguity the dimensions and location of said structures.
4. The elevations of all existing and proposed structures fully dimensioned so as to define without ambiguity the dimensions of said structures.
5. The parking and loading plans and the basis for computation of the facilities shown on those plans.
6. A Zoning Data Summary of the project including, as applicable, at least the

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following data: lot width, area of the lot, percentage of lot occupancy, height of the structure and the location and elevation of the height measurement reference points, gross floor area for each floor level, area of basement, area of cellar, proposed Floor Area Ratio, areas dedicated to each use, width of any proposed side yard, rear yard or court, number of standard and compact parking spaces and dimensions of loading berths and delivery loading spaces.

7. Other information necessary to determine compliance with the *Zoning Regulations*.

106.1.12.1 Zoning Data on Building Plat. For the purpose of zoning compliance review, the following data shall be provided on the building plat required by Section 106.1.12, as applicable, in addition to the information required by Section 106.1.12.1:

1. The number, size, shape and location of all open parking spaces, open loading berths, and approaches to all parking and loading facilities.
2. Other information necessary to determine compliance with the *Zoning Regulations*.

106.1.13 Official Building Plat. The applicant shall provide an official building plat issued by the D.C. Office of the Surveyor, in duplicate or by electronic submission, with applications for permit involving any of the following:

1. Erection of a new building or other structure.
2. Addition to an *existing building*.
3. Permanent construction higher than 48 inches (1219 mm) above grade, outside the footprint of *existing buildings*.
4. Construction or alteration of projections into public space.
5. Erection of retaining walls higher than 48 inches (1219 mm).
6. Establishment of a new parking lot, regardless of the amount of work involved.

106.1.13.1 Plat Information. The applicant shall show upon the building plat, completely dimensioned and drawn in ink to the same scale as the plat, the outline

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of all buildings, additions, or other structures existing and to be constructed. The accuracy of the representation of the location of the structures on the plat shall be self-certified by the *owner* or authorized agent for the *owner* of the lot of record or parcel of land, who shall sign a certificate in a form prescribed by the *code official*, printed on the building plat.

106.1.14 Location of Water and Sewer Mains. When relevant to the scope of work, the permit applicant shall secure from DC Water the location and other necessary details regarding water and sewer mains to serve the *premises* to be permitted and shall submit this information with the permit application to the *code official*.

106.1.15 Green Building Documents. The applicant shall provide a minimum of four sets, or an electronic submission, of plans and supporting documents in sufficient detail and clarity to show the relevant green building construction practices as determined by the compliance path selected pursuant to the *Green Construction Code* Chapter 3, and compliance with the requirements set forth in the Green Building Program Manual.

106.2 Site Plan. The applicant shall provide a site plan, whenever the application for permit involves any of the following:

1. Erection of a new building or other structure.
2. Addition to an *existing building*.
3. Permanent construction outside the footprint of *existing buildings*.
4. Construction or alteration of projections into public space.
5. Erection of retaining walls.
6. Excavation or grading work disturbing earth in an area in excess of the limits set forth in 21 DCMR § 527, Storm Water Management: Exemptions.
7. Demolition or razing of existing structures or buildings.
8. Installation or replacement of underground utility service connections.
9. Installation or replacement of site drainage systems.
10. Path of the *exit discharge* to the *public way*.
11. Construction in whole or in part in a *Special Flood Hazard Area* as established in Section 1612.3 of the *Building Code*.

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The *code official* shall be authorized to establish minimum requirements for submittal of site plans and maximum overall size of plans acceptable for review. These limits shall also apply to zoning compliance review plans submitted pursuant to Section 106.1.12.

106.2.1 Site Plan Information. The applicant shall show upon the site plan, completely dimensioned and drawn to a scale indicated numerically and graphically, the site, its orientation to North and, as applicable: location of all existing and new construction on the site; distances from property lines; established street grades, proposed finished grades, proposed soil erosion control measures; location of utility service lines and connections thereto (with dimensions and all appurtenant features of such connections); and flood hazard areas, floodways and *design flood* elevations. For raze or demolition, the site plan shall identify the structures or portions thereof to be demolished and the location and size of all existing structures and construction that are to remain on the site.

106.2.1.1 Design Flood Elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the *Building Code*.

106.3 Examination of Documents. The *code official* shall examine or cause to be examined the submittal documents accompanying building permit applications, pursuant to Section 105.3.1.

106.3.1 Review by Other Agencies. Permit applicants shall be responsible for obtaining approvals from other reviewing agencies, including, but not limited to, the Historic Preservation Office and the District Department of the Environment. If deficiencies in the plans or other supporting documents are discovered during these reviews, the other reviewing agencies may give the applicant an opportunity to correct the deficiencies. Any restrictions or conditions imposed by other reviewing agencies may be annotated on the plans and shall be incorporated into and deemed a condition of the permit.

106.3.2 Special Inspections. Where special inspections are required by Chapter 17 of the *Building Code*, the *owner* shall name the individual or firms who are to perform such special inspections. The stages of construction at which special inspections are to occur shall be established by the Special Inspections Program Procedural Manual (“Special Inspections Program Procedural Manual”) published by the *Department* (July 2012 edition, as may be amended from time to time by the *Department*). Special inspections shall be made in accordance with Section 109.3.13 and Chapter 17 of the *Building Code*.

106.3.2.1 Building Permit Requirement. The special inspection requirement of Section 106.3.1 shall be determined prior to the issuance of the building permit and shall be a requisite for the permit issuance as described in Section 1704.1. A statement of special inspections, completed by the registered design professional in charge, shall accompany each application where special inspections are

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required.

106.4 Amended Submittal Documents. All work shall conform to the *approved* application and plans for which the permit has been issued and any *approved* amendments to them. Any changes made during construction which deviate substantively from the *approved* plans shall be resubmitted for approval, in accordance with Section 105.3.3.

106.5 Department Records. The *code official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records, including one set of *approved* submittal documents, shall be retained in the official records so long as the building or other structure to which they relate remains in existence, unless otherwise provided for by statute, rule or regulation.

106.6 Form of Covenants and Agreements. All covenants and agreements required by the *Construction Codes* or drafted in connection therewith shall require approval as to form and legal sufficiency by the Office of the Attorney General for the District of Columbia (OAG). A copy of such covenant or agreement as approved by OAG shall be filed and recorded in the Office of the Recorder of Deeds by and at the expense of the *owner* before issuance of any related permits or certificates of occupancy, and one copy of the covenant or agreement, duly noted, shall be filed with the *code official*. The *owner* will cause any lien or interest, recorded prior to the covenant, to be subordinated to the covenant.

106.6.1 Vault Agreement. Before issuance of a permit for the use or construction of a vault in public space, the *owner* of the abutting private property shall execute an agreement, in the form prescribed by the District, acknowledging for the *owner* and *owner's* heirs and assigns that: (1) no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) the Mayor may inspect such vault during regular business hours; (3) the Mayor may introduce, or authorize the introduction, into or through such vault, with right of entry for inspection, maintenance, and repair, any water pipe, gas pipe, sewer, conduit, other pipe, or other public utility underground construction which the Mayor deems necessary in the public interest to place in or by the District, at the expense of such *owner*, to conform with any change made in the street, roadway, or sidewalk width or grade; (4) rental for such vault will be paid to the District as required by the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.* (2012 Supp.)); and (5) the *owner* will release and relinquish the vault space, and remove, free of expense to the District of Columbia, all structural parts of the vault when so ordered by the *code official*.

106.6.2 Covenants for Openings on Property Lines. A covenant running with the land, in a form prescribed by the District of Columbia, shall be required before issuance of a final certificate of occupancy for the building where openings in exterior walls closer than 5 feet (1524 mm) from interior lot lines are allowed pursuant to Sections 705.8.7 through 705.8.7.7. The covenant shall ensure that compliance with the minimum

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requirements of those sections will be maintained for as long as the building shall exist, and shall ensure that responsibility for the maintenance of those conditions will be conveyed to any future *owner* of the building.

106.6.3 Covenants for Private Fire Hydrants. No permit or related plan that authorized installation of a private fire hydrant shall be *approved* without an agreement in the form prescribed by the District of Columbia and recorded in the land records of the District of Columbia, establishing the entity or person, and successors thereof, responsible for maintenance, repair and replacement of the private fire hydrant in perpetuity.

106.6.4 [Reserved].

106.6.5 Covenants for Green Building Act Binding Pledge. Where the applicant has elected to submit a binding pledge as provided in Section 302.6.2.4 of the *Green Construction Code* as security for compliance with the provisions of Section 302.3.2 or Section 302.3.3 of the *Green Construction Code*, the applicant shall present to the *code official* a certified copy of the binding pledge, in a form approved by the Office of the Attorney General, evidencing due recordation of the binding pledge among the land records of the Office of the Recorder of Deeds of the District at no cost to the District. The certified copy of the binding pledge shall be presented prior to the issuance of the first certificate of occupancy in a *story above grade plane* in the *project*. The *owner* will cause any lien or interest, recorded prior to the recording of the binding pledge, to be subordinated to the binding pledge.

106.6.6 Covenants for Water or Sewer Utility Service. A covenant shall be required before a permit shall be issued to install water or sewer utility services to a lot from an adjacent lot, or to extend such services to a lot or *premises* from a building, as *approved* pursuant to Section 301.3.1 of the *Plumbing Code*.

106.6.7 Master Service or Master Meter Covenants for Master Service or Master Metering. No covenant in connection with Articles 230.2 and 230.3 of the *Electrical Code* shall be *approved* in order to provide master service to more than one building on a single lot, or to buildings on different lots in the same square, unless in accordance with this Section 106.6. Such covenant shall be required prior to issuance of a permit.

107 TEMPORARY STRUCTURES AND USES

107.1 General. The *code official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire

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safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of the *Construction Codes* as necessary to ensure public health, safety and general welfare.

107.3 Temporary Power. The *code official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *Electrical Code*.

107.4 Termination of Approval. The *code official* is hereby authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be razed, removed or discontinued, as applicable.

108 FEES

108.1 Payment of Fees. A permit shall not be issued until all fees have been paid to the *Department* or other authorized agency, nor shall an amendment to a permit requiring an additional fee be issued until the additional fee shall have been paid.

108.1.2 Accounting. The *code official* shall keep an accurate account of all fees collected, and such collected fees shall be deposited with the D.C. Treasurer, or otherwise deposited of as required by law.

108.2 Schedule of Permit Fees. The building permit fees for plans examination, permit processing, inspections and related services shall be as prescribed in Section 108.2.1 and the *code official* is authorized to establish by *approved* rules a schedule of unit rates for buildings and other structures and for the installation of their appurtenant systems, fixtures, appliances and equipment.

108.2.1 Fee Schedule. A fee for each plan examination, permit and inspections shall be paid in accordance with the applicable fee schedule published in the *D.C. Register*, as amended from time to time.

108.2.1.1 Application Filing Deposit for New Construction and Alterations. All applications filed for new construction or alterations must be accompanied by a portion of the permit fee in the amount of 50 percent of the assessed permit fee based on the estimated cost of construction; provided, that the required deposit shall not exceed twenty thousand dollars (\$20,000).

108.3 Building Permit Valuations. The applicant for a building permit shall provide an estimated permit value at time of application. Building permit valuations shall be based upon total value of materials and labor for which the building permit is being issued, including electrical, gas, mechanical, plumbing equipment and permanent systems. The total value shall

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not include architectural, engineering, and other associated professional costs. If, in the opinion of the *code official*, the valuation is underestimated on the application, the permit shall be withheld, unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building permit valuation shall be set by the *code official*. Proof of valuation can be made in any of the following forms:

1. A fully executed construction contract.
2. A formal contractor's estimate.
3. When a deferred method of determining construction cost is submitted, the *code official* is authorized to request from the applicant a certified contractor's certificate of payment showing the actual cost of construction and the *code official* is authorized to adjust the building permit fee to reflect the actual cost of construction prior to issuing a certificate of occupancy.
4. A construction estimate for repairs and alterations in Group R-3 and structures under the jurisdiction of the *Residential Code*.

108.4 Work Commencing Before Permit Issuance. Any *person* who commences any work on a building, other structure, gas, electrical, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee established in the official fee schedule that shall be in addition to the required permit fees and any fines that may have been levied.

108.5 Related Fees. The payment of the building permit fee, as prescribed in Section 108.2, shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, including, but not limited to fees for: water taps or sewer connections; temporary use of public space; trade permits; special inspections; special permits issued in connection with or concurrently with a building permit, such as sign, projection, awning, demolition, razing, or excavation permits; plan revisions and amendment of permits; certificates of use and occupancy; or any other privileges, services or requirements, allowed or prescribed by the *Construction Codes* or other regulations, both within and without the jurisdiction of the *Department*.

108.6 Refunds. In the case of a revocation of a permit or of abandonment or discontinuance of a building project, upon written request made by the permit holder before the permit expires, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder as soon as practicable after written request is made. All plan examination and permit processing fees, all fees for inspections actually performed, and all penalties that have been imposed on the permit holder under the requirements of the *Construction Codes* shall be withheld first. Refunds may not be granted for permits issued after six months.

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108.6.1 Revocation Due to Administrative Error. If the permit is declared null and void due to an administrative or clerical error pursuant to 105.6.1.1 item 2, the filing fee shall be refunded unless the applicant elects to continue processing of the original application or the administrative or clerical error resulted from a false statement or misrepresentation of fact by the applicant or other applicant misconduct.

108.7 Waiver of Fees. No person or entity shall be entitled to a waiver of fees, except as set forth in the License Fees and Charges Act of 1976, effective September 14, 1976 (D.C. Law 1-82; D.C. Official Code § 47-2712 (2005 Repl.)).

109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the *code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the *Construction Codes* or of other laws or regulations of the District of Columbia. Regardless of whether the *code official* inspects the construction or work, it is the responsibility of the permit holder and the individual or entity doing the work to comply with all applicable provisions of the *Construction Codes*. The permit holder shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.1.1 Preliminary Inspection. Before issuing a permit, the *code official* shall, if deemed necessary, examine or cause to be examined all buildings, other structures and sites for which a permit application has been filed.

109.2 Required Inspections and Testing. The permit holder shall be responsible for notifying the *code official* when the stages of construction are reached that require any inspection under Section 109 and for other critical items as directed by the *code official*. The *code official* upon notification shall make the inspections specified in this Section 109 and such other inspections as necessary, and shall either approve that portion of the construction or shall notify the permit holder of any violations that shall be corrected. The *code official* shall not be responsible for conducting inspections unless appropriately notified. It shall be the duty of the *person* requesting any inspections required by the *Construction Codes* to provide access to and means for inspection of such work.

109.2.1 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the *code official*. The inspection record card shall be maintained available by the permit holder on the job site until final approval has been granted by the *code official*.

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109.3 Types of Inspections. After issuing a building permit, the *code official* or *approved* agency shall conduct the types of inspections specified in Section 109 from time to time during and upon completion of the work for which a permit has been issued. A record of all such inspections and of all noted violations of the *Construction Codes* shall be maintained by the *code official*.

109.3.1 Building Inspections.

109.3.1.1 Footing Inspection. Footing inspection is required prior to concrete placement, after trenches are excavated, forms are erected and reinforcement is installed. The inspection shall include confirming that the soil classification, soil compaction and soil bearing capacity specified in the approved plans are consistent with the field conditions and available soils testing data. The appropriate silt and erosion control measures must be in place and functional.

109.3.1.2 As-Built Foundation Survey (Wall Check). Wall check survey is required before wall reaches a height of 1 foot (305 mm) above footer, or, in the case of other vertical construction, when a template or form is located and noted. The D.C. Office of the Surveyor is authorized to require up to three wall checks depending on the design of the structure: below grade at footer, near grade, and final grade. Surveys, wall examinations and reports, and field notes shall comply with 10 DCMR B §§ 2802, 2810-2812. Wall check surveys shall be performed by a D.C. Registered Land Surveyor. Wall reports, including drawings and field notes, shall be filed with the D.C. Office of the Surveyor. Surveying practices should comply with standards set forth in the current “Manual Of Practices For Real Property Surveying In The District Of Columbia.” Authorization to continue construction of any building or other structure beyond construction of the foundation shall not be issued until a wall report has been prepared and submitted to the *Department*. The wall report shall confirm that the location and elevation of the building or other structure conform to the *approved* plans and the provisions of the *Construction Codes* and other applicable District of Columbia regulations.

109.3.1.3 Foundation Inspection. Foundation inspection is required prior to backfill for inspection of footings, sheeting and shoring, waterproofing, insulation, and location of walls and columns with respect to footings, crawl space or basement foundation walls, piles and piers.

109.3.1.4 Concrete Slab or Under-floor Inspection. Concrete slab and under-floor inspections are required after in-slab or under-floor reinforcing steel is in place to verify reinforcement size, spacing, concrete cover, splicing, vapor barrier, mesh and insulation. For slab-on-grade foundations, any required forms shall be in place prior to inspection.

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109.3.1.5 Floodplain Certificate. For any project located in a *Special Flood Hazard Area*, inspection is required upon placement of the lowest floor, including basement, and prior to further vertical construction. The *code official* shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in Section 1612.5 of the *Building Code*.

109.3.1.6 Pre-Cladding Inspection. Inspection is required after the roof, wall bracing, windows, doors, flashings and moisture barrier are installed and prior to placement of exterior cladding.

109.3.1.7 Framing Inspection. Inspection is required after wiring, piping, chimneys, duct and vents to be concealed are in place, accessibility provisions are in the rough stage, and all electrical, plumbing and mechanical rough inspections are *approved*.

109.3.1.8 Energy Efficiency and Insulation Inspections. Inspection of building thermal envelope requirements shall be performed before covering them with any other materials. Inspections to determine compliance with the *Energy Conservation Code* and the *Green Construction Code* shall be conducted by each trade inspector.

109.3.1.9 Gypsum Board Inspection. An inspection is required of gypsum board, both interior and exterior, that is part of a fire or smoke-rated assembly, a shear assembly, a *shaft* or a sound transmission construction after the gypsum board is in place, but before the outer layer of gypsum board joints and fasteners are taped and finished.

109.3.1.10 Accessibility Inspection. An inspection is required of all accessibility features prior to the final inspection.

109.3.1.11 Final Inspection. A final inspection is required after all mechanical, electrical, plumbing, fuel gas, elevator and conveying systems, *Energy Conservation Code*, and *Green Construction Code* final inspections and special inspections, if applicable, are recorded, and the structure, building or portion thereof is completed in compliance with the *Construction Codes*.

109.3.2 Electrical Inspections.

109.3.2.1 Underground and Slab Inspection. Inspection is required after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.

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109.3.2.2 Service Inspection. Inspection of each new and upgraded electrical service is required before the service entrance equipment is authorized to be energized.

109.3.2.3 Rough-in Inspection. Inspection is required after the roof, framing, fire blocking, bracing, and wiring are in place, and prior to the installation of insulation and wall and ceiling membranes.

109.3.2.4 Fire Alarm Systems Rough. Inspection of fixed portions of fire detection and alarm systems, whether to be concealed or not, is required before installation of any concealing materials, for inspection of method of installation, clearances and supports.

109.3.2.5 Fire Alarm Systems Final Inspection. Final inspection is required of permitted work in fire detection and alarm systems, for proper initiation, notification, annunciation and operation. This inspection shall include an acceptance test of the system in accordance with the relevant standard.

109.3.2.6 Final Electrical Inspection. A final electrical inspection is required after the building or other structure is complete, all required electrical outlets, switches and fixtures are in place and properly connected and protected, and the structure, building or portion thereof is ready for occupancy.

109.3.3 Plumbing Inspections.

109.3.3.1 Underground and Slab Inspection. Inspection is required after trenches or ditches are excavated, forms are erected, and piping is installed, and before any backfill or concrete is put in place. Piping to be covered shall be tested for leaks under appropriate hydrostatic pressure. The appropriate silt and erosion control measures must be in place and functional.

109.3.3.2 Rough-in Inspection. Inspection is required prior to the installation of wall and ceiling membranes, after the roof, framing, fire blocking and bracing are in place, and all water, soil, waste and vent piping is complete. Piping to be covered shall be tested for leaks under appropriate hydrostatic pressure.

109.3.3.3 Fire Service Flush Inspection. Fire service flush inspection is required prior to connection of the service to any portion of the fire pump or sprinkler system, for removal of all debris in the fire service water.

109.3.3.4 Fire Suppression Systems Hydro Inspection. Before installation of any concealing materials, an inspection is required of fixed portions of fire

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suppression systems piping, whether to be concealed or not, for method of installation, clearances and supports and to test for leaks under appropriate gas, air or hydrostatic pressure.

109.3.3.5 Fire Pump Inspection. Before final inspection of a water fire suppression system, where a new or replacement fire pump assembly is installed, a fire pump inspection is required, for proper installation, initiation, pressure, flow and operation. This inspection shall include an acceptance test of the pump in accordance with the relevant standard.

109.3.3.6 Fire Suppression Systems Final Inspection. Final inspection is required of permitted work in fire suppression systems for proper installation, coverage and operation. This inspection shall include testing of system discharge control devices, as appropriate under the relevant standards.

109.3.3.7 Final Plumbing Inspection. Final plumbing inspection is required after the permitted work is complete, all plumbing fixtures and appliances are in place and properly connected, and the structure, building or portion thereof is ready for occupancy.

109.3.4 Mechanical Inspections.

109.3.4.1 Underground and Slab Inspection. Inspection is required after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed, and before any backfill and concrete is put in place.

109.3.4.2 Rough-in Inspection. Inspection is required prior to the installation of wall and ceiling membranes, and after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete.

109.3.4.3 Kitchen Hood and Duct Fire Suppression Systems Final Inspection. Final inspection is required of permitted work in fire suppression systems, for proper installation, coverage and operation. This inspection shall include testing of system discharge control devices, as appropriate under the relevant standards.

109.3.4.4 Final Mechanical Inspection. A final mechanical inspection is required after the permitted work is complete, the mechanical system and appliances are in place and properly connected and the structure, building or portion thereof is ready for occupancy.

109.3.5 Fuel Gas Inspections.

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109.3.5.1 Rough-in Inspection. Inspection is required after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected. This inspection shall include a gas pressure test.

109.3.5.2 Final Fuel Gas Inspection. A final inspection is required after the permitted fuel gas work is complete and the fuel gas appliances are in place and properly connected and vented

109.3.6 Elevator and Conveying Systems Inspections. Prior to operation of an elevator or conveying system that has been installed or altered pursuant to a permit, a final inspection and issuance of a certificate of inspection shall be required in accordance with Section 3010.3.

109.3.7 Energy / Green Inspections. Inspections for compliance with the *Energy Conservation Code* shall be in compliance with the *Energy Conservation Code*. Inspections for compliance with the *Green Construction Code* shall be in compliance with the Green Building Program Manual.

109.3.8 Other Inspections. In addition to the inspections specified above, the *code official* is authorized to make, or to require the *owner* of a building or other structure to have an independent inspection agency perform, other inspections of any construction work. These inspections shall ascertain compliance with the provisions of the *Construction Codes*, the *Zoning Regulations* and other laws or regulations that are enforced by the *Department*.

109.3.9 [Reserved].

109.3.10 [Reserved].

109.3.11 [Reserved].

109.3.12 [Reserved].

109.3.13 Special Inspections. Special inspections shall be made in accordance with Chapter 17 of the *Building Code*, and the Special Inspections Program Procedural Manual.

109.3.13.1 Authority to Require Special Inspections. The *code official* is authorized to require the *owner* to employ special inspectors having adequate qualifications for inspection or supervision of the types of construction indicated in Sections 109.3.13.1.1 through 109.3.13.1.9.

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109.3.13.1.1 Reinforced Concrete. Inspection and tests for reinforced concrete when the working stresses are based on a stipulated strength of the concrete.

109.3.13.1.2 Reinforced Masonry. Reinforced masonry construction.

109.3.13.1.3 [Reserved].

109.3.13.1.4 Welding. Structural welding.

109.3.13.1.5 Precast Concrete. Fabrication and installation of precast concrete panels and structural elements and their connections.

109.3.13.1.6 Structural Steel. Structural steel construction.

109.3.13.1.7 Engineered Fill. Method of fill, fill materials and compaction tests.

109.3.13.1.8 Smoke Control Systems. The *code official* shall require the *owner* to have the smoke control system inspected and tested as outlined in Section 909.3 of the *Building Code*.

109.3.13.1.9 Other Construction. Other construction or work requiring special knowledge and experience, involving unusual hazards, or requiring periodic or continuous inspection; including spray-applied fire proofing, fire resistant penetrations and joints, and Exterior Insulation Finishing Systems (EIFS).

109.3.13.2 [Reserved].

109.3.13.3 Fees and Costs. All fees and costs related to the performance of special inspection services shall be borne by the *owner*.

109.3.13.4 Qualifications of Special Inspectors. The *code official* shall determine the qualifications of special inspectors, in accordance with Chapter 17 of the *Building Code* and the Special Inspections Program Procedural Manual.

109.3.14 Final Inspection. Upon completion of work for which a permit was issued, a final inspection approval is required to verify that all required inspections have been performed and *approved*. No portion of a building or other structure shall be used or occupied until its final inspection has been obtained and, if required, a certificate of occupancy is issued pursuant to Section 110. All violations or infractions of the *approved* plans and permit shall be noted and the holder of the permit shall be notified of

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the discrepancies pursuant to procedures set forth in Section 110.2.2.

109.3.15 Certificate of Occupancy Issuance. After the *code official* inspects the building or other structure pursuant to Section 109.3.14 and finds no violations of the provisions of the *Construction Codes* or the *Zoning Regulations*, the *code official* upon due application shall issue a certificate of occupancy pursuant to Section 110 of the *Building Code*.

Exceptions:

1. One-family *dwelling*.
2. *Community-Based Residential Facility* with six or fewer residents.

109.4 Third-Party Inspections of Permitted Work.

109.4.1 Third-Party Inspection. When *approved* by the *Department*, a permit holder, at the permit holder's expense, shall have the option of having a third-party inspection of work subject to a permit issued by the *Department* conducted by one or more third-party inspection agencies. The third-party inspection agency must be one that has been certified by the *Department* as a qualified third-party inspection agency pursuant and subject to the provisions of D.C. Official Code § 6-1405 (2008 Repl.), this Section 109.4, and the Third-Party Inspection Procedures Manual (the provisions of which are incorporated herein by reference). Where the *Department* approves the use of a third party inspection agency, the third-party inspection agency(s) shall provide and perform inspection services of the work for which a permit has been issued by the *Department* in accordance with D.C. Official Code § 6-1405, this Section 109.4, and the provisions of the Third-Party Inspection Procedures Manual.

Exception: Special inspections shall be governed by Section 109.3.13 and Chapter 17 of the *Building Code*, and the Special Inspections Program Procedural Manual.

109.4.2 Third Party Inspection Procedures. Where inspections are to be conducted by one or more *approved* third-party inspection agencies of work subject to permit issued by the *Department*, the third-party inspection agency(s) must make a determination that the work performed or construction undertaken was completed in accordance with the permit(s) as issued by the *Department*, including associated *construction documents*, and in accordance with the requirements of the *Construction Codes*. Where the third-party inspection agency makes that determination, it shall submit its inspection report in accordance with the provisions of the *Department's* Third-Party Inspection Manual to the *code official*, and request verification by the *code official* of final inspection. The *code official* shall review and verify the report within ten business days after acceptance. The *code official* shall accept all reports submitted by a third-party inspection agency related

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to work for which a permit has been issued as prima facie evidence that the work inspected meets or exceeds all requirements of the permit, and the *construction documents* upon which the permit was issued, and the *Construction Codes*. If the *code official* is satisfied as to the findings of the report regarding work, the *code official* shall issue to the permit holder, if requested, a conditional certificate of occupancy or certificate of occupancy, as applicable.

109.5 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official* shall respond to inspection requests without unreasonable delay. The *code official* shall approve the work or shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the *Construction Codes*. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the *code official*.

109.6 Right of Entry. The *code official*, in the performance of his or her duties, shall have the right to enter any unoccupied building; any building under construction, alteration, or repair; any building being razed or moved; any building or *premises* which he or she has reason to believe to be unsafe or a menace to life or limb; or any building, the use of which may require the issuance of a license or a certificate of occupancy. With respect to the inspection of any occupied habitable portion of any building, consent to such inspection shall first be obtained from any person of suitable age and discretion therein, except that if an acute emergency occurs and immediate steps must be taken to protect the public, such consent need not be obtained. When attempting to gain entry for inspection, the *code official* shall show an official identification issued by the *Department*.

109.6.1 Refusal of entry. Any *person* who prevents or refuses to allow the *code official* to enter a building for inspection in the performance of his duties, is in violation of these regulations and the *code official* shall have the authority to issue a notice of violation, order or notice of infractions pursuant to Section 113.

109.6.2 Administrative Search Warrant and Injunctive Relief. If the *code official* is denied entry for an inspection in the performance of his or her duties, the *code official* is authorized to apply to the D.C. Superior Court for an administrative search warrant and/or injunctive relief.

109.7 Coordination of Inspections. Whenever in the enforcement of the *Construction Codes* or another code or ordinance, the responsibility of more than one official of the District of Columbia is involved, it shall be the duty of the officials involved to coordinate their inspections and administrative orders as fully as practicable so that the *owners* and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders.

109.8 Inspection of Existing Buildings. Where *existing buildings* are allegedly occupied

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without the proper occupancy permit or contain an occupancy alleged to be illegal or unsafe, the *code official* is authorized to make inspections of the *existing buildings* before the issuance of occupancy permits.

109.9 Other Inspections. The *code official* is authorized to make inspections upon referral of a notice of violation received from inspection agencies other than the *Department* alleging a violation of the *Construction Codes*; and upon receipt of a complaint by a District resident, Council member, District government employee, or other government agency alleging a violation of the *Construction Codes*.

109.10 Plant Inspection. When required by the provisions of the *Building Code*, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with Section 1703.7 of the *Building Code* and the Special Inspections Program Procedural Manual.

110 CERTIFICATE OF OCCUPANCY

110.1 General Requirement for Certificate of Occupancy. Except as provided in Section 3203 of the *Zoning Regulations*, no *person* shall use any structure, land, or part thereof for any purpose, and no change in use or load shall be made, until a Certificate of Occupancy has been issued stating that the use complies with the applicable *Zoning Regulations* and the *Construction Codes*, including related building, electrical, plumbing, mechanical and fire prevention requirements. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the applicable *Construction Codes*, *Zoning Regulations* or other laws or regulations of the District. The person or entity to which a certificate of occupancy is issued is referred to herein as the “certificate holder.” When a change in ownership occurs, a new certificate of occupancy shall be applied for in the name of the new *owner*.

110.1.1 New Buildings. A building or other structure hereafter erected shall not be used or occupied in whole or in part until the certificate of occupancy has been issued by the *code official*, in accordance with the applicable *Construction Codes* and the *Zoning Regulations* following a final inspection pursuant to Section 109.3.14 of the *Building Code*.

Exceptions:

1. One-family *dwellings*;
2. *Community-Based Residential Facility* with six or fewer residents; or
3. A conditional certificate of occupancy has been issued pursuant to Section 110.4

110.1.2 Change in Ownership. For changes in ownership of structures, land, or parts

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thereof with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new *owner* without re-inspection, provided there is no proposed change in use, floor layout or occupancy load.

110.1.2.1 Compliance. To monitor compliance with Section 110.1.2, the *Department* may review change of ownership applications and conduct inspections to determine if there has been a change in use, occupancy load, or floor layout, and certificates of occupancy that have been determined to have been erroneously issued on the basis of a change in ownership shall be revoked.

110.1.3 Change in Use, Load or Floor Layout. For changes in use, occupancy load or tenant floor layout, a new Certificate of Occupancy shall be required. In the foregoing circumstances, a construction permit application must be filed pursuant to Section 105.1.1(1) and *approved* by the *Department*, in order to confirm that the new use, load or tenant floor layout complies with the *Construction Codes* and *Zoning Regulations*. An application for certificate of occupancy will not be accepted for filing until a permit application has been granted, or a determination has been made that a permit application is not required under the circumstances.

110.1.4 Use Designation. A certificate of occupancy shall only be issued for stated uses, including accessory uses, that have been identified in the *Zoning Regulations*. In the case of §§ 701.5, 721.4, 741.4 and 751.4 of the *Zoning Regulations*, which permit other retail and service uses similar to those uses expressly permitted in the applicable Commercial Districts, the certificate of occupancy shall first state the expressly permitted use and then indicate the similar use that is being authorized.

110.1.5 Special Restrictions for Projects Subject to the Green Building Act. Prior to issuance of a certificate of occupancy for projects subject to the Green Building Act and Section 302 of the *Green Construction Code*, and where provided for therein, the *owner* shall submit required financial security.

110.1.6 Certificate Issued. After the *code official* inspects the building or other structure and finds no violations of the provisions of the *Construction Codes*, the *Zoning Regulations* or other laws that are enforced by the *Department*, the *code official* shall issue a certificate of occupancy containing the following:

1. The building permit number (if applicable);
2. The address of the structure;
3. The name and address of the property or business *owner*, as applicable;
4. A description of that portion of the structure for which the certificate is

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issued;

5. The name of the *code official*;
6. The use and occupancy, in accordance with the provisions of Chapter 3 of the *Building Code*;
7. The use and occupancy in accordance with the *Zoning Regulations*;
8. The design occupant load;
9. Any special stipulations and conditions of the building permit; and
10. Date of issuance.

110.1.7 Exemption from Certificate. A Certificate of Occupancy shall not be required for any use exempted by 11 DCMR § 3203.

110.1.8 Posting of Certificate. All Certificates of Occupancy shall be conspicuously posted in or upon the *premises* to which they apply so that they are readily visible to anyone entering the *premises*, except sanctuary and nave areas of *places of religious worship* in Group A-3.

110.2 Application for Certificate. Application for a Certificate of Occupancy shall be made in accordance with Sections 110.2 through 110.2.3.4.

110.2.1 Application Procedure. All applications for Certificate of Occupancy shall be filed with the *Department* on the prescribed forms provided by the *code official*. The applicant shall pay the prescribed filing fee at the time of the application. If a property is located in a CM or M zone district, the “Standards of External Effects” application required by the *Zoning Regulations* shall also be submitted. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 110.2.2.

110.2.1.1 Building Permits. Applications for a certificate of occupancy, other than for a change of ownership with no proposed change in use, occupancy load or floor layout, will not be accepted unless a building permit application has previously been filed and granted, or the *Department* has determined that a permit application is not required.

110.2.1.2 Compliance with Conditions. If an application pertains to a structure or use authorized by an order of the Zoning Commission or Board of Zoning Adjustment and the permission granted in that order was made subject to conditions, the application shall include a copy of the order and a statement

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demonstrating compliance with all conditions that were to be satisfied prior to the issuance of a certificate of occupancy.

110.2.2 Inspections. Following the filing of a certificate of occupancy application, except for a change in ownership pursuant to Section 110.1.2, inspections shall be conducted to confirm compliance with the applicable *Construction Codes* and the *Zoning Regulations*. Notice of all existing violations of the applicable *Construction Codes* and *Zoning Regulations* shall be provided to the applicant within ten *business days* after the date of the inspection.

110.2.2.1 Service of Notice. The notice of existing violations shall be personally delivered to the applicant or sent by first class mail, postage prepaid. Where the notice is mailed, a certificate of mailing completed by the *person* responsible for mailing shall constitute proof of service.

110.2.2.2 Reinspection. If a notice of existing violations is issued, a reinspection shall be made within ten business days after the date of notification by the applicant that all required corrections have been made.

110.2.2.3 Expiration of Application. Except as provided in Sections 110.2.3 through 110.2.3.4, the failure to comply with all applicable District of Columbia laws and regulations pertaining to the issuance of a Certificate of Occupancy, within the prescribed timeframe in a notice of existing violations, shall cause the application to be canceled without further notice to the applicant, and the applicant shall be required to file a new Certificate of Occupancy application and pay the required fees.

110.2.2.4 Access to the Premises. Refusal to permit entry for inspection of the *premises* shall result in the cancellation of the Certificate of Occupancy application without further notice to the applicant.

110.2.3 Extensions. The *code official* is authorized to grant an extension to comply with the notice of existing violations for any of the following reasons:

1. The District Government has performed all the required services but due to extenuating circumstances the applicant is unable, through no fault of his or her own, to bring the property into compliance; or
2. Other special or unusual circumstances as determined by the *code official*.

110.2.3.1 Filing for Extension. All requests for extensions shall be made in writing and addressed to the *code official*. All requests for extensions shall be filed at least 15 business days prior to the expiration of the prescribed time period.

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The request shall specify the following:

1. The basis for the request including the details of all efforts on the part of the applicant to bring the property for which an extension is requested into compliance;
2. The facts which support the request in sufficient detail to enable the *code official* to make an informed judgment; and
3. Any other information as the *code official* may deem necessary.

110.2.3.2 Disposition of Request for Extension. The extension requested shall either be granted or denied by the *code official* as soon as practicable after receipt of all required information. The decision to grant or deny the extension shall be delivered to the applicant in writing by first class mail or personal service, and the provisions of Section 110.2.2.1 shall apply to the pertinent extension request records.

110.2.3.3 Period of Extension. A decision to grant an extension shall set forth the extended period of time by which compliance shall be achieved.

110.2.3.4 Extensions for Reinspection. If a reinspection is required, the reinspection shall be made within 10 business days after the date of notification by the applicant that all required corrections have been made.

110.3 Occupancy Dependent on Construction. Sections 110.3.1 through 110.3.5 regulate the issuance of a certificate of occupancy for the use of a structure, or part thereof, if the establishment of the use is dependent upon the erection, construction, conversion, or alteration of the structure, or part thereof.

110.3.1 Proposed use. The intended use shall be designated as a proposed use at the time of application for the building permit on which the use depends.

110.3.2 Provisional Occupancy. At the time of approval of the building permit application by the Zoning Administrator, the proposed use shall become the provisional occupancy *approved* by the *code official*.

110.3.3 Expiration of Provisional Approval. A building permit shall be obtained within six months of approval of the provisional occupancy, otherwise the zoning approval granted pursuant to Section 110.3.2 shall expire.

110.3.4 Final Occupancy Approval. The use designated as the *approved* provisional occupancy shall become final upon issuance of a Certificate of Occupancy pursuant to

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the provisions of Section 110.

110.3.5 Construction Completion Required. If the erection or alteration of a structure, or part thereof, is contemplated, a certificate of occupancy for that structure, or part thereof, shall not be issued until the erection or alteration is completed to the point that the structure, or part thereof, is deemed by the *code official* to be available for occupancy and in compliance with the requirements of the applicable laws and regulations.

110.4 Conditional Occupancy. The *code official* is authorized to issue a conditional certificate of occupancy for which a permit for work has been issued, in the following circumstances:

110.4.1 Completion of a Portion of the Work. The *code official* is authorized to issue a conditional certificate of occupancy to permit the conditional use and conditional occupancy of a building, other structure, or a portion thereof, in advance of the completion of all work covered by the permit, and prior to the issuance of a certificate of occupancy under Section 110.1 above, if the building, other structure, or a portion thereof may be safely occupied notwithstanding incomplete work covered by the permit. The *code official* is authorized to specify when the conditional certificate of occupancy issued under this section will expire.

110.4.2 Completion of Core and Shell. The *code official* is authorized to issue a conditional certificate of occupancy for a building or other structure after determining that the core and shell of the building or other structure are substantially and materially complete, in accordance with the *Construction Codes*. The issuance of a conditional certificate of occupancy under this section shall not grant, allow, or permit use or occupancy, for any reason or purpose, of any other portion of the building or other structure for which a certificate of occupancy is required under Section 110.1.

110.4.3 Other Circumstances. The *code official* is authorized to issue a conditional certificate of occupancy in other circumstances, prior to the issuance of the final certificate of occupancy, if the building, other structure, or a portion thereof may be safely occupied, where the *code official* determines that the public interest warrants such conditional occupancy. The *code official* is authorized to specify when the conditional certificate of occupancy issued under this section will expire.

110.5 Revocation of a Certificate of Occupancy. The *code official* is authorized to revoke a certificate of occupancy pursuant to any of the Sections 110.5.1 through 110.5.5.

110.5.1 Different Occupancy. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the actual occupancy does not conform with that which was permitted.

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110.5.2 Misleading Declaration by Applicant. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the *code official* determines that it was obtained based on an application that contained any material misrepresentation.

110.5.3 Certificate Issued in Error. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if the *code official* determines that it was issued in error.

110.5.3.1 Cancellation. The *code official* shall have the right to declare a certificate of occupancy null and void on the grounds of administrative or clerical error, and to cancel the certificate of occupancy, if such error is discovered within five business days after the date of issuance of the certificate of occupancy and notice is provided to the certificate holder within the five day period. Upon notification of cancellation, the holder shall promptly surrender the certificate of occupancy for cancellation, provided, however, that the failure to voluntarily surrender the certificate shall not affect its invalidity and the cancellation shall be effective upon notification.

110.5.3.2 Board of Zoning Adjustment. When a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked effective ten days after the Board of Zoning Adjustment Order becomes final pursuant to the provisions of the Zoning Regulations.

110.5.4 Incomplete Alteration, Repair or Addition. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if all of the following conditions are verified:

1. The building or space under such certificate of occupancy is undergoing *alteration* or repair, or an addition thereto is being constructed, under a duly issued building permit, and the original use is being continued during the construction period; and
2. The *code official* deems that construction is not progressing at a reasonable pace and the unfinished portion of the project, as shown on the *approved* permit drawings, or the missing systems or portions thereof, are such that the *code official* deems that the safety, health or welfare of the public or of the occupants is seriously threatened thereby.

110.5.5 Completion of Construction Work. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the *code official*, after notice to the certificate holder, if upon completion of work done under a duly issued building permit the applicant does not apply for a new certificate of occupancy within 30 days

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after the date of revocation and a new certificate of occupancy is otherwise required. A new certificate of occupancy is required when there is a change in use, occupancy or load.

110.5.6 Service of Notice to Revoke a Certificate of Occupancy. The *code official* shall effect service of a notice to revoke a certificate of occupancy by one of the following methods:

1. Personal service on the certificate holder or the certificate holder's agent;
2. By electronic mail to the last-known electronic mail address of the certificate holder or the certificate holder's agent, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure affected by such notice;
3. Delivering the notice to the last known home or business address of the certificate holder as identified by the certificate application, the tax records, or business license records, and leaving it with a person over the age of 16 years old residing or employed therein;
4. Mailing the notice, via first class mail postage prepaid, at least 10 days prior to the date of the proposed action, to the last known home or business address of the certificate holder or the certificate holder's agent as identified by the certificate application, the tax records, or business license records; or
5. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

Exception: A Board of Zoning Adjustment Order finding that a certificate of occupancy has been issued in error constitutes the Notice of Revocation required under this section.

110.5.7. Content of Notice. The Notice of Revocation shall contain the effective date of revocation.

110.6 Appeal from Action. Any *person* aggrieved by the action of the *code official* granting, withholding, or revoking a Certificate of Occupancy, based in whole or in part upon the *Zoning Regulations*, may appeal the action to the Board of Zoning Adjustment, pursuant to D.C. Official Code § 6-641.07 (2008 Repl.) and the *Zoning Regulations*, no later than 60 days after service of written notice of the action upon the applicant or permit holder. All other appeals shall be filed before the Office of Administrative Hearings within the time period required.

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110.6.1 Limitation on Appeal. No appeal may be taken to the Board of Zoning Adjustment when a ground for the revocation is a Board of Zoning Adjustment Order finding that the certificate of occupancy was issued in error. The revocation in such cases may be appealed to the District of Columbia Court of Appeals pursuant to D.C. Official Code § 2-510.

110.6.2 Stay pending appeal. The filing of an appeal of the revocation shall not operate to stay the revocation.

110.7 Certificate of Occupancy Fees. A fee for the processing and issuance of a certificate of occupancy shall be paid to the D.C. Treasurer in accordance with the applicable fee schedule.

110.7.1 Fee Schedule. The Director is authorized to establish, from time to time, by *approved* rules, a schedule of unit rates and other fees for certificates of occupancy, partial certificates of occupancy and other related miscellaneous services.

110.7.2 Filing Fee. The fee for filing an application for certificate of occupancy shall be in accordance with the current user fee schedule.

110.8 Records. The Director or his or her designee shall be the custodian of Certificate of Occupancy records. The records shall include, but not limited to, the following:

1. Pending Certificate of Occupancy applications;
2. Extensions granted pursuant to Sections 110.2.3 through 110.2.3.4; and
3. All *approved* applications for Certificates of Occupancy, issued Certificates of Occupancy and copies of all cancellation notices and related correspondence.

111 SERVICE UTILITIES

111.1 Connection of Service Utilities. No *person* shall make connections from a utility source of energy, fuel or power to any building, other structure or system that is regulated by the *Construction Codes* for which a permit is required, until the permit is issued by the *code official*.

111.2 Temporary Connection. The *code official* shall have the authority to authorize the temporary connection of a building, other structure or system to the utility source of energy, fuel or power.

111.3 Authority to Disconnect Service Utilities. The *code official* shall have the authority to order the disconnection of utility service to any building, other structure or system regulated by the *Construction Codes*, in case of emergency where necessary to eliminate an immediate hazard to life or property. The *code official* shall notify the serving utility, and where possible the

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owner and occupant of the building, other structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, other structure or service system shall be notified in writing, as soon as practical thereafter.

112 REVIEW AND APPEALS

112.1 Review by the Code Official or Zoning Administrator. The *owner* of a building or other structure, an applicant for a permit or certificate of occupancy, or a permit holder or certificate holder who is adversely affected or aggrieved by an interpretation, decision, denial or other action or decision, relating to application processing or inspections, by a person in the *Department* other than the *code official* or the Zoning Administrator (a “Staff Action”) may seek review by the *code official* or the Zoning Administrator, as applicable. Review under this section must be initiated by the claimant no later than 15 days after being advised of, or learning of, the Staff Action. Notwithstanding the foregoing, review of stop work orders shall be governed by Section 114.11.

112.1.1 Review Process. To seek review, a claimant shall use a review form provided by the *code official* or the Zoning Administrator, as applicable, on which the claimant shall state the grounds for any requested review, which shall be based on a claim that the *Construction Codes* or the *Zoning Regulations*, or the rules legally adopted under either, as applicable, have been incorrectly interpreted or applied, that the provisions of the *Construction Codes* or *Zoning Regulations*, as applicable, do not fully apply, or, in the case of any action under the *Construction Codes*, that an equally good or better form of construction can be used.

112.1.1.1 Code Official. With regard to matters arising under the *Construction Code*, the *code official* shall affirm, modify, or reverse the Staff Action within 15 business days of receipt of a review form. If the *code official* denies review, or does not act upon the review within the 15 business day period, the Staff Action shall be deemed affirmed and the claimant may appeal to the Office of Administrative Hearings in accordance with Section 112.2.1 below. The decision of the *code official* shall be the final decision of the *Department*.

112.1.1.2 Zoning Administrator. With regard to matters arising under the *Zoning Regulations*, , the Zoning Administrator shall affirm, modify, or reverse the Staff Action within 15 business days of receipt of a review form. If the Zoning Administrator denies review, or does not act upon the review within the 15 business day period, the Staff Action shall be deemed affirmed and the claimant may appeal the decision to the Board of Zoning Adjustment in accordance with Section 112.2.2 below.

112.2 Appeal of Decisions of the Code Official and the Zoning Administrator.

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112.2.1 Appeal of Decisions of the Code Official. The *owner* of a building or other structure or any *person* adversely affected or aggrieved by a final decision or order of the *code official* based in whole or in part upon the *Construction Codes*, may appeal to the Office of Administrative Hearings (OAH). The OAH appeal shall be filed within 10 business days after the date the *person* appealing the decision of the *code official* had notice or knowledge of the decision, or should have had notice or knowledge of the decision, whichever is earlier. The appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied by the *code official*, that the provisions of the *Construction Codes* do not fully apply, or that an equally good or better form of construction can be used. The OAH shall have no authority to waive requirements of the *Construction Codes*.

112.2.2 Appeal of Decisions of the Zoning Administrator. The *owner* of a building or other structure or any *person* adversely affected or aggrieved by a final decision or order of the Zoning Administrator may appeal to the Board of Zoning Adjustment of the District of Columbia pursuant to D.C. Official Code § 6-641.07.

112.3 Stop Work Orders. Appeals of stop work orders are governed by Section 114.11.

112.4 Revocations. Appeals of permit revocations and revocations of certificates of occupancy shall be governed by Sections 105.6 and 110.5, respectfully.

112.5 Enforcement of Decision. The *code official* or the Zoning Administrator, as applicable, shall take immediate action in accordance with the decision of the Office of Administrative Hearings or the Board of Zoning Adjustment, as applicable, in any appeal.

113 VIOLATIONS AND INFRACTIONS

113.1 Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, raze, demolish, use, or occupy any building or other structure or equipment regulated by the *Construction Codes* or *Zoning Regulations*, or cause same to be done, in conflict with or in violation of any of the provisions of the *Construction Codes* or *Zoning Regulations*.

113.2 Notice of Violation, Infraction, or Order. The *code official* is authorized to serve a notice of violation, notice of infraction, or order on the *owner*, operator, occupant or other person responsible, for the erection, construction, alteration, extension, repair, razing, demolition, use, or occupancy of a building or other structure in violation of the provisions of the *Construction Codes* or *Zoning Regulations*, or in violation of a plan *approved* thereunder, or in violation of a permit or certificate issued under the provisions of the *Construction Codes* or *Zoning Regulations*. A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or the abatement of the violation. Such notice shall be in accordance with all of

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the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building or other structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Sections 113.5 and 116.5.

113.2.1 Service of Notice of Violation or Order. A notice of violation or order shall be served on the *owner*, operator, occupant or other person responsible for the condition or violation (the “respondent”) by any one of the following methods:

1. Personal service on the respondent or the respondent’s agent;
2. By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure affected by such notice;
3. Delivering the notice or order to the last known home or business address as identified by the tax records, the business license address, or the corporate registration address of the respondent or the respondent’s agent and leaving it with a person over the age of 16 years old residing or employed therein;
4. Mailing the notice or order, via first class mail postage prepaid, at least 10 days prior to the date of the proposed action, to the last known home or business address, as identified by the tax records address, the business license address or the corporate registration address, of the respondent or respondent’s agent; or
5. If the notice or order is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice or order in a conspicuous place in or about the structure affected by such notice.

113.2.1.1 Respondent’s Agent. For the purposes of this section, respondent’s

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agent shall mean a general agent, employee, registered agent or attorney of the respondent.

113.2.1.2 Stop Work Orders. Service of stop work orders shall be made as set forth in Section 114.

113.2.2 Requirement to Abate Illegal Activity or Nuisance. A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or abatement of the violation.

113.2.3 Failure to Provide a Notice of Violation. Issuance of a notice of violation pursuant to this section, prior to taking other enforcement action, is at the discretion of the *code official*. Failure to give a notice of violation shall not be a bar or a prerequisite to any criminal prosecution, civil action, corrective action or civil infraction proceeding based upon a violation of the *Construction Codes*.

113.2.4 Notice of Infraction. A notice of infraction shall be issued in accordance with section 201 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1802.01 (2012Supp.)) (“Civil Infractions Act”) and shall impose a fine for the alleged violation.

113.3 Prosecution or Adjudication of Violation. If a notice of violation or order is not complied with promptly, the *code official* may request the Office of the Attorney General for the District of Columbia to institute the appropriate proceedings at law or in equity to prosecute, restrain, correct, or abate such violation, or to require the removal or termination of the unlawful use of the building or other structure in violation of the provisions of the *Construction Codes* or the *Zoning Regulations* or of the order or direction made under the *Construction Codes* or the *Zoning Regulations*.

113.4 Criminal Prosecution. Pursuant to D.C. Official Code § 6-1406 (2008 Repl.), any *person* who violates a provision of the *Construction Codes* or fails to comply with any of the requirements thereof or who erects, constructs, razes, demolishes, alters, or repairs a building or other structure in violation of an order of the *code official* issued under the authority of the *Construction Codes*, or in violation of a permit or certificate including the *approved* plans issued under the provisions of the *Construction Codes*, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000), or by imprisonment not exceeding 90 days, or both, for each offense. Each day a violation continues shall be deemed a separate offense.

113.5 Abatement of Violation. The imposition of penalties prescribed in this section shall not preclude the Office of the Attorney General for the District of Columbia from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, other structure, or *premises* or to stop an illegal act,

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conduct, business, or use of a building or other structure on or about any *premises*. Nor shall the imposition of penalties prevent the *Department* from undertaking abatement or corrective actions under other statutes and regulations, including but not limited to D.C. Official Code § 42-3131.01 *et seq.* (2011 Supp.). The costs of any corrective action, and all expenses thereto, shall be assessed as a tax against the property on which the violating condition existed, and such tax shall be carried on the regular tax rolls of the District, and collected in the same manner as general taxes in the District are collected.

113.6 Civil Infractions. Pursuant to D.C. Official Code § 6-1406 (2008 Repl.), civil fines, penalties, and fees may be imposed as additional sanctions to criminal prosecution or other civil action, for any infraction of the provisions of the *Construction Codes* or *Zoning Regulations*, or any orders, rules, or regulations issued under the authority of the *Construction Codes* pursuant to the Civil Infractions Act. Adjudication of any infraction of the *Construction Codes* or *Zoning Regulations* shall be pursuant to the Civil Infractions Act, D.C. Official Code § 2-1801.01 *et seq.* (2012 Supp.)).

113.7 Illegal Construction. Without limiting any of the penalties or remedies for violations of the *Construction Codes*, or the *Department's* enforcement authority set forth in this Section 113 or elsewhere, if a building or other structure or part thereof is being erected, constructed reconstructed converted or altered, or has been erected, constructed, reconstructed, converted, or altered in violation of the *Construction Codes* or the *Zoning Regulations*, said actions shall constitute illegal construction, and the *code official* is authorized to order ongoing work to stop and that the condition be corrected within a specified time frame deemed reasonable by the *code official*. Service of the order shall be made in accordance with Section 113.2.1.

113.7.1 Civil Fines. Notwithstanding the issuance of a stop work order or an order to correct, relating to the illegal construction, the *code official* is authorized to issue civil fines pursuant to Section 113.6 of the *Building Code*, and each day thereafter a violation goes unabated shall be considered a separate offense. Upon adjudication of the civil fines provided for in this section, the *code official* is authorized to assess any unpaid fines as a tax against the property on which the violation occurred, and to carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

113.7.2 Fire Safety Hazard; Public Hazard. Should the *code official* deem the condition to be a fire safety hazard or otherwise constitute a hazard to the public, the *code official* is authorized pursuant to D.C. Official Code § 42-3131.01(c) (2010 Repl.) to cause such condition to be corrected, to assess the cost of correcting such condition and all expenses incident thereto, including fees or charges authorized or imposed in the *Building Code*, as a tax against the property on which such condition existed or from which such condition arose, as the case may be, and to carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

113.8 Injunction to Restrain Use of a Building in Violation of Construction Codes. The

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Mayor may file a petition with the Superior Court of the District of Columbia for an injunction to restrain the use or occupancy of any building, other structure, or part thereof, in violation of any of the provisions of the *Construction Codes* or the *Zoning Regulations*.

113.9 Transfer of ownership. It shall be unlawful for the *owner* of any building or other structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such building or other structure to another person or entity until the provisions of the notice or order have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting responsibility without condition for making the corrections or repairs required by such notice or order.

114 STOP WORK ORDER

114.1 Authority. Whenever the *code official* finds that any work on any building, other structure or *premises* is being performed contrary to the provisions of the *Construction Codes*, or the *Zoning Regulations* or in an unsafe or dangerous manner, the *code official* is authorized to issue a stop work order.

114.1.1 Issuance. The stop work order shall be in writing, in a form prescribed by the *code official*, and shall be given to the *owner* of the property involved, or to the *owner's* agent, or to the *person* doing the work. If the stop work order cannot be delivered personally, notice shall be effected by posting the stop work order as provided in Sections 114.1.4 and 114.2 below. Upon service of a stop work order pursuant to 114.1.4, the cited work shall immediately cease until the situation is corrected.

114.1.2 Form of Stop Work Order. The stop work order shall be in writing, in a form prescribed by the *code official*. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. The stop work order shall state the address of the property and the specific section or sections of the *Construction Codes* and/or the *Zoning Regulations* violated. The stop work order shall also contain a description of the right to appeal the order, and a contact name and telephone number to obtain an appeal form. No stop work order shall be issued nor considered valid unless it contains all the above information, and the signature of the issuing official.

114.1.3 [Reserved].

114.1.4 Service of a Stop Work Order. The *code official* shall effect service of a stop work order by one of the following methods:

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1. Personal service on the *owner* of the property involved, to the *owner's* agent or to the *person* doing the work; or
2. Posting a copy of the notice in a conspicuous place in or about the structure affected by such notice, as provided in Section 114.2 below.

114.2 Location of Posted Stop Work Order. The *code official* shall post the stop work order in a conspicuous location, visible to the public and other government officials, in or about the building, other structure or *premises* affected by the stop work order.

114.3 Removal or Obstruction of a Posted Stop Work Order. Unauthorized removal or obstruction of a posted stop work order is a violation of the *Construction Codes*, and is subject to the penalties provided in D.C. Official Code § 6-1406 (2008 Repl.) and the injunctive relief set out in D.C. Official Code § 6-1407 (2008 Repl.).

114.4 Access Required to Post a Stop Work Order. Where the *code official* requires access into a structure to post a stop work order, the *owner* of the structure, or his or her agent, must provide the required access within 24 hours after receiving written notice from the *code official* pursuant to Section 114.1.

114.5 Public Notice of Stop Work Order. The *code official* is authorized to make public, by publishing in a newspaper of general distribution, in the District of Columbia Register, or at the DCRA website, a list of the addresses where stop work orders have been posted. The *code official* shall, upon request, provide copies of written stop work order notices, issued pursuant to Section 114.1 of this Chapter, to the Metropolitan Police Department Commander of the District where the address of the stop work order is located.

114.6 Scope of Stop Work Order for Illegal Construction. A stop work order issued for illegal construction under Section 113.7 of this Chapter, shall mean, unless otherwise specified, the cessation of any and all work at the *premises* or portion thereof, regardless of whether the work is subject to building permit requirements.

114.6.1 Stop Work Order for All Activity at a Construction Site. When the *code official* issues a stop work order for illegal construction under Section 113.7 of this Chapter, it shall be a violation of the stop work order for the *owner* or agent to enter the site, unless otherwise specified. The *code official* may provide for temporary access to allow the *owner*, or his or her agent, to ensure the ongoing security and/or safety of the property. An *owner* or agent of property under the restrictions of a stop work order must first receive approval from the *code official* to enter the property for any reason except as specified in the order.

114.7 Owner and/or Designated Agent Responsible for Ensuring Compliance with Stop Work Order. The *owner* of the property, or his or her agent, serving as the contractor of record,

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shall be deemed to have violated the stop work order where his or her subordinate employees, workers, and sub-contractors do not comply with the requirements of the stop work order.

114.8 Code Official May Seek a Warrant for Violation of Stop Work Order. Upon finding that the requirements of a stop work order have been violated, including the removal of a stop work order, the *code official* may seek a warrant for the arrest of the *owner* or agent.

114.9 Failure to Comply with Stop Work Orders. Any *person* who continues to work in or about a structure after having been served with a stop work order is in violation of the provisions of the *Construction Codes*. Failure to comply with a stop work order shall constitute grounds for suspension, restriction or revocation of any license issued by the Department to the non-compliant general contractor, construction manager, or home improvement contractor. Failure to comply with a stop work order by an, electrician, plumber, gas-fitter, steam engineer, or refrigeration and air conditioning mechanic shall be grounds for referral to the Board of Industrial Trades for license suspension or revocation.

114.10 Unlawful Continuance. Any *person* who shall continue any work in or about a building, other structure or *premises* after a stop work order has been posted, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in D.C. Official Code § 6-1406 (2008 Repl.) and the injunctive relief set out in D.C. Official Code § 6-1407 (2008 Repl.).

114.11 Appeal of Stop Work Order. The property *owner*, his or her agent, or the person responsible for the work cited in a stop work order, may initiate an appeal within the *Department* from a stop work order. Claimants shall appeal using a form provided by the *code official*, on which they shall state the grounds for the appeal, which shall be based on a claim that the *Construction Codes* or the *Zoning Regulations*, or the rules legally adopted thereunder, have been incorrectly interpreted or applied, the provisions of the *Construction Codes* or *Zoning Regulations* do not fully apply, or that an equally good or better form of construction can be used. The appeal shall be filed within 15 days after the date on which the stop work order is posted.

114.11.1 Action on Appeal. Within 10 business days after the date of receipt of the appeals form, the *code official* shall affirm, modify, or reverse the previous action or decision. The decision of the *code official* shall be the final decision of the *Department*. If the *code official* denies the appeal, or does not act upon the appeal within the 10-business day period, the decision will be deemed affirmed and the claimant may appeal the matter directly to the Office of Administrative Hearings, except to the extent that a violation of the *Zoning Regulations* is alleged, in which case the claimant shall appeal the action to the Board of Zoning Adjustment pursuant to D.C. Official Code § 6-641.07 (2008 Repl.).

114.11.2 Stay of Action. The filing of an appeal does not stay the effect of a stop work

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order.

115 UNSAFE STRUCTURES AND EQUIPMENT

115.1 Conditions. All buildings or other structures or existing equipment that are or hereafter become abandoned, deteriorated, unsafe, unsanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper use, or occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe and secure, as the *code official* deems necessary pursuant to this section or pursuant to other laws, including, but not limited to, D.C. Official Code §§ 42-3131.01 *et seq.* (2012 Supp.) or 42-3171.01 *et seq.* (2010 Repl.) and D.C. Official Code § 6-801 *et seq.* (2008 Repl.). A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of the *Construction Codes*.

115.1.1 Prohibited Entry. When a vacant building or other structure is deemed to be unsafe, pursuant to Section 115.1, the *code official* shall cause to be posted at each entrance to such building or other structure a notice that the structure is unsafe and that its use or occupancy has been prohibited. It shall be unlawful for any *person* to enter such building or other structure except for the purpose of making the required repairs or demolishing it.

115.2 Examination and Record of Damaged Structure. The *code official* shall examine every building or other structure reported as dangerous, unsafe structurally, or constituting a fire hazard, and shall maintain a record of unsafe structures and *premises*, stating the use of the structure, and the nature and estimated amount of damages, if any, caused by collapse or failure.

115.3 Notice of Unsafe Structure or Equipment. If any unsafe condition is found, the *code official* shall serve a written notice that describes the condition, identifies the structure or equipment deemed unsafe, and specifies the required repairs or improvements to be made to abate the unsafe condition or requires the unsafe structure to be taken down and removed within a stipulated time.

115.4 Method of Service. The *code official* shall effect service of a notice under this section by one of the following methods:

1. Personal service on the *owner*, the *owner's* agent or the person in control of the structure;
2. By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure affected by such notice;

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3. Delivering the notice to the last known home or business address as identified by the tax records, the business license address, or the corporate registration address of the person or business to be notified and leaving it with a person over the age of 16 years old residing or employed therein;
4. Mailing the notice or order, via first class mail postage prepaid to the last known home or business address, as identified by the tax records address, the business license address or the corporate registration address, of the person or business to be notified; or
5. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice or order in a conspicuous place in or about the *structure* affected by such notice.

115.5 Disregard of Unsafe Notice. The notice of unsafe structure shall require the *person* served with the notice to comply with the requirements of the order to abate the unsafe condition within a specified time. Upon the refusal or neglect of the *person* served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the *code official* may notify the Office of the Attorney General for the District of Columbia of all the facts and may request initiation of appropriate legal action to compel compliance with the order or pursue any other remedies authorized by law or regulation.

115.6 Other Laws. The provisions of this Section 115 shall not be deemed to nullify any other provisions of local law governing removal, demolition or repair of unsafe structures, including, but not limited to, the provisions of D.C. Official Code § 6-801 *et seq.* (2008 Repl.), D.C. Official Code §§ 42-3131.01 *et seq.* (2012 Supp.) or 42-3171.01 *et seq.* (2010 Repl.), and 14 DCMR § 115.

116 EMERGENCY MEASURES

116.1 Imminent Danger. The *code official* is hereby authorized and empowered to order and require the occupants to vacate the *premises* forthwith when, in the opinion of the *code official*: there is imminent danger of failure or collapse of a building or other structure which endangers life; or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or the operation of defective or dangerous equipment.. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [*code official*].” It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

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116.2 Temporary Safeguards. Whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall further cause such other action to be taken as the *code official* deems necessary to meet such emergency.

116.3 Closing Streets. When necessary for the public safety, the *code official* is authorized to temporarily close sidewalks, streets, buildings, other structures, and places adjacent to such unsafe structure, and prohibit them from being used.

116.4 Emergency Repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

116.5 Costs of Emergency Repairs. Where the *code official* causes emergency work to be done pursuant to Section 116.2 or Section 116.4, the costs incurred in the performance of emergency work shall be paid from appropriations of the District of Columbia on certification of the *code official* and shall be assessed as a tax against the property on which the emergency work or repairs were performed, carried as a tax on the regular tax rolls, and collected in the same manner as real estate taxes are collected.

117 POSTING STRUCTURES

117.1 Occupant Load. Occupant load signs shall be posted in accordance with Section 1004.3. Rooms or spaces which have multiple use capability shall be posted for the occupant loads of all such uses.

117.1.1 Occupant Load Calculations. The occupant load calculations shall be determined in accordance with Section 1004.

117.2 Live Loads Posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the *owner* in that part of each *story* in which they apply, using durable signs of an approved, legible, permanent design. It shall be unlawful to remove or deface such notices.

117.3 Installation of Signs. Before approval of a final inspection pursuant to Section 109.3.14, all signs required by Section 117 shall have been installed.

117.4 Periodic Inspection. The *code official* is authorized to periodically inspect all *existing buildings* and other structures for compliance with the law in respect to posting, or the *code official* is authorized to accept the report of such inspection from an *approved* licensed professional engineer or architect. Such inspection and report shall specify any violation of the

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requirements of the *Construction Codes* in respect to the posting of floor load, occupant load, and use group of the building.

Exception: *Existing buildings* and other structures in Group R-3, buildings under the jurisdiction of the *Residential Code*, and dwelling units in Group R-2 buildings.

118 ADDRESSES OF PREMISES

118.1 Purpose. The purpose of the provisions of this Section 118 shall be: (a) to establish a formal, legally based District of Columbia-wide system of assigning addresses to *premises* in order to facilitate their identification; (b) to facilitate protection of the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; (c) to provide for the efficient delivery of public services, including building inspections, health inspections, property mapping, and property tax administration; and (d) to establish the minimum requirements for providing *street numbers* on *premises*.

118.2 Administration. The *code official* shall administer the provisions of this Section 118, including, but not limited to: (a) assigning addresses and approving the naming of new private streets within the District of Columbia; and (b) designating the *street number* of all *premises*, new and existing. *Street numbers* are required on all lots and *buildings*, new and existing, and the *code official* shall have authority to approve all *street number* assignments on any *premises*. The *code official* is also authorized to order changes in the numbering of any *premises* previously numbered if it is determined that the *street number* being used may endanger the public health and safety. A *building* or other *structure* fronting more than one street or avenue shall be assigned a *street number* based on the location of the face of the *building* or other *structure* containing the *main entrance*.

118.3 Responsibility. When a street number is assigned to a *premises*, the *owner* of a *premises* shall provide and maintain the *street number* in compliance with these requirements. A *premises* that is required to have a street number and does not comply with the requirements of this section shall not be occupied.

118.4 Definitions.

ADDRESS RANGE. The high and low values for the *street numbers* found on a block face. The address range is expressed as a low number and a high number representing the lowest and highest *street numbers* found or possible on a given *block face*.

ALLEY. Each public thoroughfare or private thoroughfare that is not a street.

BLOCK FACE. The right-of-way line along a public street or the property line at the edge of a private street segment. Each *street segment* shall have two *block faces*.

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LOT. A parcel of land that shall be classified as a *record lot* or a *tax lot*.

MAIN ENTRANCE. The principle point of entry into a *building* or other *structure* from a public street, private street or officially named alley.

PRIMARY ADDRESS. The address of the main entrance of a *premises*.

PRIVATE THOROUGHFARE. Streets, alleys and other thoroughfares where the underlying land is owned by private citizens or entities, or is part of existing tax or record lots adjoining a *public thoroughfare*.

PUBLIC THOROUGHFARE. Streets, alleys and other thoroughfares that are under the jurisdiction of the District of Columbia, any other public government, including the Federal Government or its branches, or by any adjoining state government.

RECORD LOT. A lot of record established pursuant to the Subdivision Regulations of the District of Columbia.

SECONDARY ADDRESS. An address created when a building has an entrance from the exterior, other than the *main entrance*, that directly serves a tenant different than that served by the main entrance.

STANDARDIZED ADDRESS. A *street number*, *street number suffix*, *street name*, *street type*, *unit type*, *unit number*, *street quadrant*, city name, state name, *zip code* and *zip plus four* designations.

STREET. A public or private thoroughfare, other than an alley, capable of permitting the passage of cars and other vehicles and pedestrians.

STREET NAME. The full proper name of a street, stored as an alphanumeric character string, the *street type* and the *street quadrant*.

STREET NUMBER. A number used to provide specific identification for a *premises* on a public or private thoroughfare in the District of Columbia, which may be a *primary address* or a *secondary address*. It shall be stored as a numeric value.

STREET NUMBER SUFFIX. A fraction that is attached to a *street number* in an existing address.

STREET QUADRANT. Two alphabetical characters that identify the geographic sector of the District of Columbia in which the address is located. All addresses in Washington, D.C., with the exception of the United States Capitol which is the central point of the addressing grid, shall have a *street quadrant* designation. The *street quadrants* are NE (Northeast), NW (Northwest),

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SE (Southeast) and SW (Southwest), and each quadrant shall be so abbreviated and capitalized. No *street quadrant* shall consist of a single cardinal direction (e.g., North).

STREET SEGMENT. The portion of a public or private street between its intersections with two other public or private streets.

STREET TYPE. The name of the type of street, such as avenue, street, road, circle, etc. It shall be stored in fully spelled out form as an alphabetical string. *Street types* are listed in the U.S. Postal Service Standards and in the National Emergency Number Association Standards (NENA). The *code official* is authorized to use street types not listed in either standard.

TAX LOT. An assessment and taxation lot established and recognized by the Office of Tax and Revenue of the District of Columbia excluding condominium lots and air-rights lots.

UNIT NUMBER. The designation of an individual unit, such as “A,” “Rear,” or “102”. It shall be stored as an alphanumeric string.

UNIT TYPE. The type of occupancy, such as an apartment, suite, or office space. It shall be stored as an alphabetic string.

ZIP CODE. The five numeral code assigned by the U.S. Postal Service to the area in which the address is located.

ZIP PLUS FOUR. The four numeral code assigned by the U.S. Postal Service to the block face or building or building sector in which the address is located.

118.5 Addressing Rules General

118.5.1 The District of Columbia has an existing street addressing and street naming scheme that is historic in nature. To the greatest extent possible, this Section 118 seeks to maintain that scheme while eliminating conditions created over time that are detrimental to the public safety and welfare of the citizens of the District of Columbia.

118.5.2 The existing pattern of alphabetically named and numbered streets found in the central jurisdictions of the District of Columbia shall be maintained.

118.5.3 When facing a quadrant dividing line (North Capitol Street, East Capitol Street, South Capitol Street or the Mall), the even number addresses are on the right side of the street and the odd numbers are on the left side of the street. Diagonal streets have even and odd sides that match the parity of the grid direction they most closely resemble; those at 30° angles are generally addressed as east-west, those at 60° are considered north-south. The 45° angle streets are variable, and should be maintained in their current form.

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118.5.4 Address ranges are determined based on a progression from the point of origin, which is the United States Capitol, and the four quadrant dividing lines listed in Section 118.5.3. Each standard block was initially given an address range of one hundred (100), progressing outward from the Capitol. Streets that commence away from the quadrant dividing lines are examined and the ranges determined based upon the surrounding streets.

118.5.5 Address ranges shall not overlap or create any opportunities for the assignment of duplicate addresses on a given street within a single quadrant. Similarly, there should be limited or no gaps in the address ranges if the street to which the ranges are applied is continuous.

118.5.6 Breaks in address ranges may occur where a street with a given name is broken into distinct segments by a park, water body, or other impediment. In these cases, the integrity of the address grid shall be maintained, and a gap in the range created, to signify the break in the street's continuity.

118.6 Street Number Assignment

118.6.1 Every lot that is legally capable of supporting a building or other structure shall have an address regardless of whether the lot is occupied or vacant.

118.6.2 When a record lot is vacant, but within an existing tax lot that contains a building or other structure, the vacant record lot shall be assigned the same street number as the tax lot.

118.6.3 Every building or other structure with an entrance from a public or private street, or from a named alley shall have an assigned street number.

118.6.4 Every lot and every building shall have either a street number or a unit-number depending upon whether or not it has a separate entrance fronting onto a public or private street.

118.6.5 No addresses shall be assigned to any driveway. The address for a building or other structure with a driveway shall reflect the name and the numbering sequence of the street to which the driveway is connected.

118.6.6 No street number shall be assigned to a *premises* that has as its only access an unnamed street or alley. If an address is required for a *premises*, the street or alley shall first be named according to the process described in Section 118.11 below.

118.6.7 Assigned street numbers shall be determined based upon the block face's address range, the location of the main entrance and the existing street numbers that are

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assigned within that block face.

118.6.8 Street numbers shall be logically and spatially consistent, increasing in numeric order from the low number end of the block face to the high end of the block face.

118.6.9 Street numbers shall be assigned in accordance with the parity (odd/even) designation for the block face. Even numbers shall not be used in the odd-sequenced side of a street, nor shall odd numbers be used on the even side of a street.

118.6.10 If a street segment exists where both odd and even numbers exist on both sides of the street, or where only one side contains addresses, and both odd and even numbers have been used, the *code official* shall issue a street number that is logically consistent with the numbers on adjoining *premises*.

118.6.11 No street number shall be assigned that duplicates the number for any existing *premises* on the same named street.

118.6.12 No new street number shall be assigned that contains a letter designation (e.g., 112A Vermont Avenue).

118.6.13 The *code official* is authorized to maintain an existing fraction if there is no available street number in the address sequence for the block in which the address is located. The fraction shall be stored in the STREET NUMBER SUFFIX field.

118.6.14 Existing letter designations shall be maintained in the STREET NUMBER SUFFIX field or UNIT NUMBER field rather than as part of the street number field.

118.6.15 No street number shall be assigned to a proposed building or other structure on multiple lots or for a location where the subdivision process is incomplete.

118.6.16 The *code official* shall hear and consider requests for changes in *street numbers* for existing addresses.

118.6.16.1 The *code official* is authorized to change *street numbers* where there are duplicates, or where the *street number* is out of sequence, or on the opposite side of the street in terms of parity (odd number found on the even numbered side, or vice-versa).

118.6.16.2 The *code official* is authorized to change *street numbers* where existing numbers contain a fraction or a letter suffix, and there is sufficient space in the existing number range for the block-face to support renumbering to remove the fraction and/or letter suffix.

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118.6.17 The *code official* shall not change an existing address to one that is not consistent with the addressing structures, parity and sequences that already exist.

118.6.18 The *code official* is authorized to assign secondary addresses as the *code official* deems appropriate subject to the provisions of Section 118.5 and this Section 118.6.

118.7 Street Number Display. Each *premises* to which a street number has been assigned shall have the number displayed in conformance with the requirements provided in this Section 118.7.

118.7.1 Main Entrance Location.

118.7.1.1 The assigned *street number* shall be located directly over or near the *main entrance* in a position easily observed and readable from the opposite side of a public thoroughfare.

118.7.1.2 Multi-tenant *buildings* having separate exterior entrances with separate *street numbers* shall post the assigned *street numbers* near each entrance in accordance with this section.

118.7.1.3 In addition to posting the *street number* of the building or other structure in a position easily observed and readable from the opposite side of the public thoroughfare serving that entrance, the *owner* of a building or other structure located on a lot where the *main entrance* is not located at and fronting on a public thoroughfare, shall post the *street number* directly above or near the main entrance.

118.7.2 Rear Entrance Location. If the rear of a *premises*, to which a street number has been assigned, faces a street or public thoroughfare accessible to the public, the *owner* shall also place the *street number* of the *main entrance* in a position easily observed and readable from the street or alley serving the rear of that *premises*.

118.7.3 Construction Sites Location. *Street numbers* shall be posted at construction sites in a position easily observed and readable from any public street and alley serving the construction site.

118.7.4 Size of Numbers. The minimum size of a *street number* shall be 3 inches (76 mm) high and one-half inch (13 mm) wide and shall be in Arabic figures on a contrasting background.

118.8 Street Number Suffixes

118.8.1 New *street number suffixes* shall not be assigned.

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118.8.2 *Street number suffixes* assigned and used prior to December 26, 2008, shall be phased out by the *code official* where possible, substituting a standard format *street number* with or without a unit number.

118.8.3 Where an existing *street number suffix* cannot be changed, it shall be placed in the STREET NUMBER SUFFIX field.

118.9 Street Names General

118.9.1 No street shall be given a name that duplicates or nearly duplicates the name of a then-existing or previously existing street within the same quadrant of the District of Columbia.

118.9.2 No street shall be given a name that, when spoken, sounds like the name of a then existing or previously existing street within the jurisdiction of the District of Columbia.

118.9.3 Street naming should follow the guidelines of the District of Columbia Addressing Standards.

118.9.4 Street names may be changed according to the separate procedures for public and private street naming. Historical and commonly used names for streets shall be maintained where possible, and linked to newer names where necessary.

118.10 Street Names of Public Thoroughfares. The *code official* shall forward a recommendation on the names of public streets to the Council of the District of Columbia for its action. Public streets shall be assigned names by the Council of the District of Columbia pursuant to Section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 (2008 Repl.)).

118.11 Street Names of Private Thoroughfares

118.11.1 A property *owner*, developer, surveyor, or plat proprietor shall make application to the *code official* for approval of a proposed *street name* of a new private thoroughfare.

118.11.2 Upon receipt of the *street name* application, the *code official* shall review the proposed name with the addressing staff of the other agencies with street jurisdiction, and any other appropriate governmental agency.

118.11.3 The *code official* is authorized to recommend to the applicant a list of the

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existing *approved street names* within the District of Columbia for the convenience of the applicant.

118.11.4 The *code official* shall approve the naming of newly established private streets within the District of Columbia, including streets in proposed plats of condominium developments.

118.11.5 The *code official* shall notify the applicant within 30 days of the acceptance or rejection of the proposed *street name* along with the reasons for the decision, if applicable.

118.11.6 The *code official* shall be the final arbiter of the *street name* for private streets.

118.11.7 Unnamed private thoroughfares shall be named when two or more addresses exist or are established on such streets. If the existing addresses are numbered off of the adjoining public thoroughfare, they shall be changed to appropriate addresses using the private street name.

118.11.8 The *owners* shall be consulted before a name for the private street is selected and *approved*. The selection of a name for a private street shall be coordinated with the District of Columbia Office of Planning, DDOT and any other appropriate governmental agency.

118.12 Administration of Assigned Addresses

118.12.1 The *code official* shall maintain a master file of assigned addresses and maintain a master address mapping database.

118.12.2 The *code official* shall be responsible for determining whether an address is required for any *premises* or other condition.

118.12.3 The *code official* is authorized to grant a waiver of the provisions of Section 118, based upon the evidence presented, if the *code official* finds that the waiver:

1. Benefits the public health, safety and welfare;
2. Does not create conflicts or duplicate addresses; and
3. Is in the best interest of the District of Columbia.

118.12.4 The *code official* shall be responsible for assigning a new address under the following conditions:

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1. A new record lot is created through the subdivision process of the Subdivision Regulations of the District of Columbia, or a tax lot is created through the process of the Office of Tax and Revenue, and in either case the lot is vacant;
2. A new building or other structure is constructed on a vacant lot;
3. The *owner* of a building or other structure with multiple entrances to the exterior submits an application that meets the requirements for *secondary addresses*.
4. A new building or other structure is constructed on a lot already containing one or more buildings or other structures that have addresses;
5. A new structure is constructed on a lot, street or other parcel within the District of Columbia; or
6. An *existing building* or other structure is renovated to relocate the main entrance to a different street frontage.

118.12.5 The *code official*, the District Department of Transportation and the E-911 Coordinator shall confer on recommended street names for all streets to ensure that no duplication occurs and that no streets with names that sound alike, or could create confusion for the delivery of emergency and non-emergency services, are created.

118.12.6 The *code official* shall recommend changes in street names where, in the *code official's* opinion, a valid reason exists for the change of street name. Such reasons include, but are not limited to:

1. Duplicate *street names*;
2. Confusion of *street names* that sound alike;
3. *Street names* that are extremely difficult to spell or pronounce;
4. Streets that have more than one commonly used name; and
5. *Street names* shall not be changed to reflect changes in property ownership or for personal reasons of the adjoining *owners*.

118.12.7 When a *street name* change or designation is proposed, the *code official* shall provide notice to the property *owners* abutting the street segment(s) to be named or changed. If the change is designed to remedy existing duplicate names or confusing names, the property *owners* may be consulted on suggested names for the street.

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118.12.8 Before changing a street name, the *code official* shall consider the official street name as recorded on plats and deeds of adjacent property, and the most accurate historical name of the street in question.

118.12.9 The existing legal documents shall be of primary consideration in determining the single *street name* when two or more names are commonly used. Streets or alleys shall be changed or named pursuant to D.C. Official Code § 9-204.01.

118.13 Final Inspection. Before approval of a final inspection pursuant to Section 109.3.14 for a *building* or other *structure*, all addressing requirements, including the installation of street numbers, shall be satisfied in accordance with the requirements of Section 118.

118.14 Street Sign Specifications

118.14.1 All street signs shall meet the requirements of Section 118.7.4 above and the requirements of the District Department of Transportation.

118.14.2 DDOT shall provide standard street signs showing the name of the street, the street type and street quadrant and the starting number for the address range(s) associated with the thoroughfare segment for each public street at each intersection.

118.14.3 The *owner* of a private thoroughfare shall provide standard street signs showing the name of the street, the street type, and street quadrant and the starting number for the range(s) associated with the street segment for each private street, based on the *approved* private street name issued by the *code official*.

118.14.4 Street name signs designating private streets shall include the word “Private” or “PVT” on them to distinguish them from public streets.

118.15 Compliance and Enforcement. The provisions of Section 118 shall be enforced by the *code official*, pursuant to the enforcement mechanisms set forth in Section 113.

119 [RESERVED]

120 [RESERVED]

121 [RESERVED]

122 AMENDMENTS AND COPIES

122.1 Amendments; Supplements; Editions. All future amendments, supplements, and editions of the *Construction Codes* shall be adopted only upon authority of the government of the

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District of Columbia. The Mayor is authorized to issue proposed rules to amend the *Construction Codes* and to adopt new editions of and supplements to the *International Codes* in whole or in part, pursuant to Title I of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.* (2011 Repl.)) and pursuant to the Construction Codes Act, D.C. Official Code § 6-1401 *et seq.* (2012 Supp.). The Mayor's authority thereunder has been delegated to the Construction Codes Coordinating Board ("CCCB") pursuant to Mayor's Order 2009-22, dated February 25, 2009, as amended. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. The rules shall not take effect until approved or deemed approved by the Council.

122.2 Amendment Procedure. Within a reasonable period of time after publication of any subsequent edition of the *International Codes*, the CCCB shall:

1. Review, revise and maintain the *Construction Codes* to reflect the current state of the art in the construction industry;
2. Review and evaluate all proposed changes and amendments to the *Construction Codes*;
3. Submit for adoption, as proposed rulemaking through the Director, all revisions to the *Construction Codes* that are approved by the CCCB; and
4. Publish, as final rulemaking through the Director, all revisions to the *Construction Codes* once they are approved or deemed approved by the Council as provided in the Construction Codes Act and 12 DCMR A § 122.1.

122.2.1 Initiation and Review of Changes. Changes in the *Construction Codes* may be proposed and initiated by and through the CCCB. The notice, review, evaluation, and rulemaking procedures of Section 122.2 shall be applied to any proposed changes in the *Construction Codes*, from whatever source.

122.3 Official Copy. The official copy of the *Construction Codes* is posted electronically on the website of the Secretary of the District of Columbia, Office of Documents and Administrative Issuances.

123 TRANSITORY PROVISIONS

123.1 Applicable Codes. The laws and regulations in force on the date that a new edition of the *Construction Codes* are adopted pursuant to Section 122, shall remain in effect for the purposes specified in Sections 123.1.1 through 123.1.4.

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123.1.1 Existing Valid Permit. Work authorized by a permit issued before the effective date of the new edition of the *Construction Codes* shall be allowed to be carried to completion, subject to the conditions of Sections 105.5 and 105.6

123.1.2 Existing Filed Application. Applications for permits for which the application filing deposit has been paid before the effective date of the new edition of the *Construction Codes*, pursuant to Section 108.2.1.1, shall be allowed to be processed to issuance of the permit, and any work authorized thereby shall be allowed to be carried to completion, under the edition of the *Construction Codes* in effect on the date said applications were filed, subject to the following conditions:

1. Each such application shall have been filed accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation;
2. Each such permit shall be paid in full and taken out by the applicant within one year after the effective date of the new edition of the *Construction Codes*;
3. All work authorized by such permit shall be carried to completion under the terms of the permit; and
4. Permits granted under Section 123.1.2 shall not be extended if permitted to expire, pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

123.1.3 Existing Design Contracts. Buildings and other structures under contract for design on the effective date of the new edition of the *Construction Codes*, for which no permit applications have been filed, shall be allowed to be filed, processed to issuance of permit, and any work authorized thereby shall be allowed to be carried to completion, under the previous edition of the *Construction Codes*, subject to the following conditions:

1. The applicant shall file the permit application, accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation, within one year after the effective date of the new edition of the *Construction Codes*;
2. The applicant shall submit a copy of the design contract, with a notarized affidavit stating that the submitted copy is a true and accurate copy of the contract for the design of the building or other structure, that the contract was in effect on or before the effective date of the *Construction Codes*, and

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that the design submitted with the permit application was made under such contract;

3. The permit shall be obtained and the permit fee paid in full by the applicant within one year after the filing date;
4. All work authorized by such permit shall be carried to completion under the terms of the permit; and
5. Permits granted under Section 123.1.3 shall not be extended if permitted to expire pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

123.1.4 Tenant Layout Permits. The work necessary to finish the interior layout of every tenant space of a building permitted under previous editions of the *Construction Codes* for first occupancy of each such tenant space, shall be considered part of the completion of said building, and the permits for such tenant work shall be allowed to be processed under the same edition of the *Construction Codes* as the base building permit, regardless of when the tenant layout project began.

123.2 Violations or Infractions. The laws and regulations in force on the date that a new edition of the *Construction Codes* is adopted pursuant to Section 122, shall apply with respect to violations or infractions committed prior to said date, whether the prosecutions or adjudications of those violations or infractions are begun before or after said date.

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CHAPTER 2 DEFINITIONS

202 Definitions

202 DEFINITIONS

Strike the definitions of ADDITION, BUILDING OFFICIAL and EXISTING STRUCTURE (for Chapter 34) in Section 202 of the International Building Code in their entirety and insert new definitions in Section 202 of the Building Code in their place to read as follows:

ADDITION. An extension or increase in the building area, aggregate floor area, number of stories, or height of a building or structure.

BUILDING OFFICIAL. The *code official*.

EXISTING BUILDING. Any building or structure that was erected and occupied or issued a certificate of occupancy at least one year before a construction permit application for that building or *structure* was made to the *Department*.

Insert the following new definitions in Section 202 of the Building Code to read as follows:

ADMINISTRATIVE BULLETINS. Notices issued by the *Department* that represent official *Department* policies to assist applicants, staff and the public in following operational, technical and legal procedures.

ASSISTIVE LISTENING SYSTEM. An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

BUSINESS DAY. A day other than Saturday, Sunday, or a legal holiday in the District of Columbia. If *business day* is not specified, a day shall mean a calendar day.

CODE OFFICIAL. The Director of the District of Columbia Department of Consumer and Regulatory Affairs, or a duly authorized representative, for administration and enforcement of the *Construction Codes*, including *Fire Code* provisions pertaining to approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems. References in the *Fire Code* to the *code official* shall refer to the Fire Chief of the District of Columbia Fire Department, or a duly authorized representative, except where the *Fire Code* provision pertains to approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.

COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF). A residential facility for

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persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 to 44-509 (2012 Supp.) (formerly codified at D.C. Official Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing homes, residential halfway houses or social service centers, philanthropic or eleemosynary institutions, and personal care homes. A community-based residential facility may include separate living quarters for resident supervisors and their families.

DEMOLITION INTERIOR. Work that involves the removal of interior non-bearing walls, elements or systems, or interior finishes.

DEMOLITION PARTIAL. Work of a greater scope than *demolition interior* that includes the removal of structural elements (interior or exterior), exterior walls, roofs, or other exterior elements but is not a *raze*.

DEPARTMENT. The District of Columbia Department of Consumer and Regulatory Affairs, except that references to *Department* in the *Fire Code* shall refer to the District of Columbia Fire and Emergency Medical Services Department.

PREMISES. A lot, plot or parcel of land, including any *structures* thereon, or a part of a lot, plot, parcel of land or *structure*.

RAZE. The complete removal of any existing structure, with or without the removal of party walls and below grade portions of a structure.

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CHAPTER 3 USE GROUP AND CLASSIFICATION

- 308 Institutional Group I
- 310 Residential Group R

308 INSTITUTIONAL GROUP I

Strike Sections 308.3.1 and 308.3.2 of the International Building Code and insert new Sections 308.3.1 and 308.3.2 in the Building Code to read as follows.

308.3.1 Six or fewer persons receiving care. A facility such as the above with six or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *Residential Code*.

308.3.2 Seven to sixteen persons receiving care. A facility such as above, housing not fewer than seven and not more than 16 persons receiving such care, shall be classified as Group R-4.

Strike Section 308.4 of the International Building Code and insert new Section 308.4 in the Building Code to read as follows.

308.4 Institutional Group I-2. This occupancy shall include buildings and structures used for *medical care* on a 24-hour basis for more than six persons who are *incapable of self-preservation*. This group shall include, but not be limited to, the following:

1. *Foster care facilities;*
2. *Detoxification facilities;*
3. *Hospitals;*
4. *Nursing homes; and*
5. *Psychiatric hospitals.*

308.4.1 Six or fewer persons receiving care. A facility such as the above with six or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *Residential Code*, provided that an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *Residential Code*.

310 RESIDENTIAL GROUP R

Strike Sections 310.5, 310.5.1 and 310.6 of the International Building Code and insert new Sections 310.5, 310.5.1 and 310.6 in the Building Code to read as follows.

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310.5 Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

1. Buildings that do not contain more than two *dwelling units*;
2. *Boarding houses* (nontransient) with 16 or fewer occupants;
3. *Boarding houses* (transient) with 10 or fewer occupants;
4. Care facilities that provide accommodations for six or fewer persons receiving care;
5. *Congregate living facilities* (nontransient) with 16 or fewer occupants;
6. *Congregate living facilities* (transient) with 10 or fewer occupants.

310.5.1 Care facilities within a dwelling. Care facilities for six or fewer persons receiving care that are within a single-family *dwelling* are permitted to comply with the *Residential Code*, provided that an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *Residential Code*.

310.6 Residential Group R-4. This occupancy shall include buildings, structures or portions thereof for more than six but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment, receive *custodial care* and are capable of self-preservation. This group shall include, but not be limited to, the following:

1. Alcohol and drug centers;
2. Assisted living facilities;
3. Congregate care facilities;
4. Convalescent facilities;
5. *Group homes*;
6. Halfway houses;
7. Residential board and *custodial care* facilities; and
8. Social rehabilitation facilities.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

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CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

403 High-Rise Buildings

403 HIGH-RISE BUILDINGS

Strike Section 403.3.2, Water supply to required fire pumps, of the International Building Code in its entirety without substitution.

Strike Section 403.5.1, Remoteness of interior exit stairways, of the International Building Code in its entirety without substitution.

Strike Section 403.6.1, Fire service access elevator, of the International Building Code in its entirety without substitution.

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CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS

- 501 General
- 503 General Building Height and Area Limitations

501 GENERAL

Strike Section 501.2, Address identification, of the International Building Code in its entirety without substitution.

503 GENERAL BUILDING HEIGHT AND AREA LIMITATIONS

Strike Section 503.1.1 of the International Building Code in its entirety and insert new Section 503.1.1 in the Building Code in its place to read as follows:

503.1.1 Special industrial occupancies. Buildings and structures designed to house low-hazard industrial processes that require large areas and unusual heights to accommodate craneways or special machinery and equipment, including among others, rolling mills; structural metal fabrication shops and foundries; or collection and treatment of sewage and storm water, or the production and distribution of electric, gas, water or steam power, shall be exempt from the height and area limitations of Table 503. Ordinary repairs of such buildings or structures shall include specifically engineered structural and mechanical components designed for removal and replacement in kind.

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CHAPTER 7 FIRE-RESISTANCE-RATED CONSTRUCTION

705	Exterior Walls
711	Horizontal Assemblies
713	Shaft Enclosures
717	Duct and Air Transfer Openings

705 EXTERIOR WALLS

Insert new Section 705.8.7 in the Building Code to read as follows:

705.8.7 Openings on or near adjacent construction or property lines. Exterior walls of buildings that contain occupancies other than Group H, and that are equipped throughout with sprinklers in accordance with Section 903, shall be permitted to have openings, subject to the restrictions of Sections 705.8.7.1 through 705.8.7.7, if those walls have a fire separation distance of 10 feet (3048 mm) or less. Nothing in this code shall be construed to allow mechanical openings in exterior walls that would not otherwise be allowed by this code or by the *Mechanical Code*. Openings allowed pursuant to this section shall not be counted towards natural light, natural ventilation, or smoke control requirements.

705.8.7.1 Abutting buildings. When approved, a limited number of door openings between two abutted buildings, protected in accordance with Section 705.8 shall be permitted.

705.8.7.2 Horizontal exposure. Those stories that directly face another building or structure located either on the same lot or on an adjacent lot, having a distance between buildings of 3 feet (914 mm) or less, shall have no openings on the portion of the exterior wall that faces, horizontally, the building or structure.

705.8.7.3 Vertical exposure. The portions of exterior walls with a distance between buildings of 3 feet (914 mm) or less, that are less than 12 feet (348 mm) vertically above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal distance of 10 feet (3048 mm) of the exterior walls shall have no openings. The portions of exterior walls that are greater than 3 feet (914 mm) from the opposing exterior wall, and above the roof of an adjoining building or structure shall comply with Section 705.8.6, except that the provisions shall apply to a building on an adjacent lot.

Exceptions:

1. If a registered architect or engineer has certified that the adjacent roof

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assembly provides a fire rating no less than that required for the exterior wall of the proposed building or a 1-hour rating, whichever is greater, and that the roof is not used for storage, the 12 foot vertical separation required above may be reduced to 3 feet (914 mm). Where there are skylights or other openings in the adjacent roof that are less than 10 feet (3048 mm) from the exterior wall of the opposing building, the percentage of openings allowed in Section 705.8 shall be as follows:

A: 0 to 3 feet separation between buildings: 0 percent.

B: 3 to 5 feet separation between buildings: 15 percent.

C: 5 to 10 feet separation between buildings: 25 percent.

2. If a registered professional engineer has submitted a written report of inspection certifying that the adjacent building is protected throughout with a fire sprinkler system conforming with Section 903, the 12 foot (3658 mm) vertical separation required above may be reduced to 3 feet (914 mm).

705.8.7.4 Allowable openings. In portions of the exterior wall, other than those specified in Sections 705.8.7.1 through 705.8.7.3, openings up to the maximum of 45 percent, story by story, for each wall face shall be allowed. When such openings are less than 40 feet (12 192 mm) above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal separation distance of 15 feet (4572 mm) of the wall in which the openings are located, the openings shall be protected in accordance with Section 705.8.2 or with tempered, wired, or laminated glass, installed in compliance with Section 716.6. Mechanical and door openings shall be protected in compliance with Section 716.5.

7705.8.7.5 Owner's responsibility. The owner of the building where openings are allowed pursuant to Sections 705.8.7.1 through 705.8.7.4 is responsible for making any changes in the exterior wall or its appurtenant protective systems, to maintain the building compliance with this code, whenever changes occur in the exterior envelope of any building within a distance of 10 feet (3048 mm) or less of that wall, when those changes might affect compliance with this code. The responsibility of the owner shall include but not be limited to, the following: blocking of openings; upgrading of opening protectives; removal or extension of parts of the required sprinkler system protecting the openings; or any other provisions deemed necessary by the *code official* to restore the level of safety provided by this code at the time the openings were permitted.

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705.8.7.6 Required covenants. Prior to issuance of building permit, a covenant in accordance with the requirements of Section 106 shall be required where openings in exterior walls closer than 10 feet (3048 mm) from interior lot lines are allowed pursuant to Sections 705.8.7.1 through 705.8.7.4, to ensure that compliance with the minimum requirements of those sections will be maintained for as long as the building shall exist, and to ensure that responsibility for the maintenance of those conditions will be conveyed to any future owner of the building.

705.8.7.7 Abatement of unsafe conditions. If the owner of a building or structure where any openings in exterior walls were allowed pursuant to Sections 705.8.7.1 through 705.8.7.4 fails to maintain in working order the protective systems required, or fails to proceed to make any changes required by the *code official* under the authority of Section 705.8.7.5, the *code official* is authorized to cause the necessary work to be done, in the interest of safety and welfare of the public, in accordance with D.C. Official Code §§ 6-801, et seq. (2008 Repl.) and other applicable laws and regulations. The cost of work shall become a lien against the property of the offending owner, to be recovered by the District of Columbia through appropriate action.

711 HORIZONTAL ASSEMBLIES

Strike Section 711.9 of the International Building Code in its entirety and insert new Section 711.9 to the Building Code in its place to read as follows.

711.9 Smoke barrier. Where *horizontal assemblies* are required to resist the movement of smoke by Sections 407.5, 408.6, and 1007.6 of this code in accordance with the definition of *smoke barrier*, penetrations and joints in such *horizontal assemblies* shall be protected as required for smoke barriers in accordance with Sections 714.5 and 715.6. Regardless of the number of *stories* connected by elevator shaft enclosures, doors located in elevator shaft enclosures that penetrate the *horizontal assembly* shall be protected by enclosed elevator lobbies complying with Section 713.14.1. Openings through *horizontal assemblies* shall be protected by shaft enclosures complying with Section 713. *Horizontal assemblies* shall not have unprotected vertical openings.

713 SHAFT ENCLOSURES

Strike Section 713.14.1 of the International Building Code in its entirety and insert new Section 713.14.1 to the Building Code in its place to read as follows:

713.14.1 Elevator lobby. An enclosed elevator lobby shall be provided at each floor where an elevator shaft enclosure connects more than three *stories*. The lobby enclosure shall separate the elevator shaft enclosure doors from each floor by *fire partitions*. In

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addition to the requirements in Section 708 for *fire partitions*, doors protecting openings in the elevator lobby enclosure walls shall also comply with Section 716.5.3 as required for *corridor* walls, and penetrations of the elevator lobby enclosure by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1. Elevator lobbies shall have at least one *means of egress* complying with Chapter 10 and other provisions within this code.

Exceptions:

1. Enclosed elevator lobbies are not required at the street floor, provided the entire street floor is equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
2. Elevators not required to be located in a shaft in accordance with Section 712.1 are not required to have enclosed elevator lobbies.
3. Enclosed elevator lobbies are not required where additional doors are provided at the hoistway opening in accordance with Section 3002.6. Such doors shall comply with the smoke and draft control door assembly requirements in Section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal.
4. Enclosed elevator lobbies are not required where the building is protected by an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. This exception shall not apply to the following:
 - 4.1. Group I-2 occupancies; and
 - 4.2. Group I-3 occupancies.
5. Smoke partitions shall be permitted in lieu of *fire partitions* to separate the elevator lobby at each floor where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition to the requirements in Section 710 for smoke partitions, doors protecting openings in the smoke partitions shall also comply with Sections 710.5.2.2, 710.5.2.3, and 716.5.9 and duct penetrations of the smoke partitions shall be protected as required for *corridors* in accordance with Section 717.5.4.1.
6. Enclosed elevator lobbies are not required where the elevator hoistway is pressurized in accordance with Section.909.21.

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7. Enclosed elevator lobbies are not required where the elevator serves only *open parking garages* in accordance with Section 406.5

717 DUCTS AND AIR TRANSFER OPENINGS

Strike Section 717.5.3 of the International Building Code in its entirety and insert new Section 717.5.3 in its place in the Building Code s to read as follows:

717.5.3 Shaft enclosures. Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with listed fire and smoke dampers installed in accordance with their listing.

Exceptions:

1. Fire and *smoke dampers* are not required at penetrations of exhaust shafts where steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts, provided there is a continuous airflow upward to the outside and the fan is provided with backup standby power.
2. *Fire dampers* are not required where penetrations are tested in accordance with ASTM E 119 or UL 263 as part of the fire-resistance-rated assembly.
3. Fire and *smoke dampers* are not required where ducts are used as part of an *approved* smoke control system in accordance with Section 909.
4. Fire and *smoke dampers* are not required where the penetrations are in dedicated parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.
5. *Smoke dampers* are not required at penetrations of shafts where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
6. *Fire dampers* and *combination fire/smoke dampers* are not required in kitchen and clothes dryer exhaust systems when installed in accordance with the *Mechanical Code*.

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CHAPTER 9 FIRE PROTECTION SYSTEMS

903	Automatic Sprinkler Systems
905	Standpipe Systems
907	Fire Alarm and Detection Systems
908	Emergency Alarm Systems
909	Smoke Control Systems
911	Fire Command Center
913	Fire Pumps
916	Fire Apparatus Access Roads
917	Key Boxes

903 AUTOMATIC SPRINKLER SYSTEMS

Strike Section 903.2.8.2 of the International Building Code and insert new Section 903.2.8.2 in the Building Code to read as follows.

903.2.8.2 Care facilities. An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with five or fewer individuals in a single-family *dwelling*.

905 STANDPIPE SYSTEMS

Strike Section 905.2 of the International Building Code in its entirety and insert new Section 905.2 to the Building Code in its place to read as follows:

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14.

Exceptions:

1. The residual pressure of 100 psi for 2½-inch hose connection and 65 psi for 1½-inch hose connection is not required to be greater than 65 psi in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 where the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.
2. No fire pump shall be required provided that the standpipes are capable of a minimum 250 gallons per minute (gpm) at 65 psi to the topmost floor in buildings equipped throughout with an *automatic sprinkler system*, or a minimum of 500 gpm at 65 psi to the topmost floor in all other *buildings*, from the lowest level of fire department vehicle access.

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Strike Section 905.3.1 of the International Building Code in its entirety and insert new Section 905.3.1 to the Fire Code in its place to read as follows:

905.3.1 Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest *story* is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. In determining the lowest level of fire department vehicle access for purposes of this section, recessed loading docks for four vehicles or less shall be excluded. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible shall be excluded from the determination of the lowest level or highest level of fire department vehicle access.

Exceptions:

1. Class I standpipes are allowed in buildings equipped throughout with an *automatic sprinkler system* in accordance with Sections 903.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in *open parking garages* where the highest floor is located not more than 150 feet (54 720 mm) above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in *open parking garages* that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in *basements* equipped throughout with an *automatic sprinkler system*.
5. Hose stations for use by the building occupants shall not be required, subject to the approval of the authority having jurisdiction, provided that each hose connection is 2 1/2 inches (63.5 mm) and is equipped with a 2 1/2 inch x 1 1/2 inch (63.5 mm x 38.2 mm) reducer and a cap attached with a chain.

907 FIRE ALARM AND DETECTION SYSTEMS

Strike Section 907.3.3 of the International Building Code in its entirety and insert new Section 907.3.3 to the Building Code in its place to read as follows:

907.3.3 Elevator emergency operation. Automatic fire detectors and all fire alarm system components installed for elevator emergency operation shall be installed in accordance with the provisions of ASME A17.1 and NFPA 72. Smoke detectors shall

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not be installed in unsprinklered elevator hoistways unless they are installed to activate the elevator hoistway smoke relief equipment.

Strike Section 907.6.3.1 of the International Building Code in its entirety and insert new Section 907.6.3.1 through 907.6.3.1.1.2.1 to the Building Code to read as follows:

907.6.3.1 Zoning indicator panel. A zoning indicator panel and the associated controls shall be provided in an *approved* location that is readily discernible and readily accessible to the responding fire department. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch. Zoning indicator panels shall include remote annunciator panels and zoning displays that are integral to the fire alarm control equipment.

907.6.3.1.1 Remote annunciator panels. Where remote annunciator panels are required, they shall be provided at the main entrance, at each designated fire department entrance, and where specified by Section 907.6.3.1.1.2. Remote annunciator panels shall be provided as follows:

907.6.3.1.1.1 Directory-style display. A directory-style annunciator shall be provided in buildings with more than one story above or below grade and in buildings with more than one zone per floor. The directory-style annunciator shall consist of either an alpha-numeric LCD display or an *approved* directory-style panel with individual lamps. As a minimum, the annunciator shall indicate related floor, zone and status conditions using readily identifiable designations in plain English text.

Exception: Where a graphic display with individual lamps is provided in accordance with Section 907.6.3.1.1.2.1.

907.6.3.1.1.2 Graphic display. A graphic annunciator display shall be provided at the main entrance, and in the fire command center or at the fire alarm control panel locations where there is no fire command center, for buildings of the following types:

1. *High-rise* buildings.
2. Covered mall buildings.
3. Nursing homes and hospitals.
4. Buildings of any occupancy where three or more exits are provided per floor level above or below the level of exit discharge.

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5. Buildings comprised of more than one street address with separate entrances.
6. Buildings with Group A occupancies of greater than 1000 persons.

907.6.3.1.1.2.1 Graphic display features. Graphic annunciator displays shall consist of an integrated graphic annunciator panel, or, where *approved* in buildings not more than four stories above or two stories below the fire department entrance, a directory-style annunciator panel with a permanently mounted graphic diagram. Graphic annunciator displays shall be fabricated of a durable material and shall incorporate the following features:

1. A graphic diagram that identifies:
 - 1.1 Building address.
 - 1.2 North arrow.
 - 1.3 Building floor plan outline of each general type, where the orientation of each diagram is consistent with the annunciator location.
 - 1.4 Fire alarm zoning.
 - 1.5 Location of exit stairways and labeled with designations that are consistent with Section 1022.9 and labeled to indicate stairways that provide roof access.
 - 1.6 Location of elevator banks.
 - 1.7 Location of elevator machine room
 - 1.8 Location of the annunciator with “YOU ARE HERE” marker.
 - 1.9 Location of fire command center or fire alarm control equipment.
 - 1.10 Location of fire department connections.
2. Individual lamps that identify each associated device, floor,

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zone, and system status condition. Lamp colors shall be coordinated with the associated system conditions as follows: red for alarm; yellow or amber for supervisory; and yellow or amber for system trouble. Green lamps shall be permitted to indicate annunciator power supervision. A push-button style switch shall be provided for lamp test operation.

3. Audible alert sounder that locally annunciates alarm, trouble, and supervisory conditions, with alert silencing-switch that is accessible to authorized personnel only.

Exception: An audible sounder is not required for an annunciator panel where the required audible annunciation is provided by fire alarm control equipment that is located adjacent to the annunciator.

908 EMERGENCY ALARM SYSTEMS

Strike Sections 908.1 and 908.2 of the International Building Code in their entirety and insert new Sections 908.1 and 908.2 to the Building Code in their place to read as follows:

908.1 General. The systems required by this section shall be designed and installed in accordance with the provisions of both this code and the *Fire Code*. Before proceeding with design, construction, installation, or use of systems required by Sections 908.2 through 908.6, the *owner* shall request and participate in a coordination meeting with DCRA and the Fire Department to determine the applicable code requirements. The meeting shall be attended by all concerned parties, including, but not limited to, the *owner*, contractor, architect and design professionals.

908.2 Group H Occupancies; Group H-5 Occupancy. Emergency alarms for the detection and notification of an emergency condition in Group H occupancies shall be provided in accordance with Section 414.7. Emergency alarms for notification of an emergency condition in an HPM facility shall be provided as required in Section 415.10.3.5. A continuous gas-detection system shall be provided for HPM gases in accordance with Section 415.10.7.

909 SMOKE CONTROL SYSTEMS

Strike Section 909.16 of the International Building Code and accompanying Exception; do not strike subsections 909.16.1 through 909.16.3 of the International Building Code. Insert new Section 909.16 in the Building Code to read as follows:

909.16 Fire-fighter's smoke control panel. A fire-fighter's smoke control panel for fire

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department emergency response purposes only shall be provided and shall include manual control or override of automatic control for mechanical smoke systems. The panel shall be located in a fire command center complying with Section 911 in *high-rise buildings* or buildings with smoke-protected assembly seating. In all other buildings, the fire-fighter's smoke control panel shall be installed in an *approved* location adjacent to the fire alarm control panel. The fire-fighter's smoke control panel shall comply with Sections 909.16.1 through 909.16.3.

Exception: Where buildings are equipped with stair pressurization systems and/or elevator hoistway venting systems or elevator hoistway pressurization systems and no mechanical smoke control systems per Section 909, the required manual controls may be integral to the fire alarm control panel or located at another *approved* location and are not required to comply with the provisions of Section 909.16.

911 FIRE COMMAND CENTER

Strike Section 911.1 of the International Building Code in its entirety and insert new section 911.1 in the Building Code in its place to read as follows:

911.1 General. Where required by other sections of this code and in all buildings classified as *high-rise buildings* by this code, a *fire command center* for fire department operations shall be provided and shall comply with Sections 911.1.1 through 911.1.5.

911.1.1 Location and access. The *fire command center* shall be directly accessible from the exterior on the address side of the building; or, where approved by the *code official* in consultation with the Fire Chief, in an interior location which has direct access from the entrance lobby on the address side of the building.

911.1.1.1 Identification. The entrance door to the *fire command center* shall be illuminated and clearly marked "Fire Command Center" with letters a minimum of 3 inches (76 mm) in height on a contrasting background. In instances where the *fire command center* is not located near the building's main entrance, a sign indicating the location of the fire control room shall be conspicuously posted near the building's main entrance.

911.1.1.2 Prohibited use. Electrical, mechanical or plumbing equipment other than those associated with the *fire command center*, shall not be located within the *fire command center*. The *fire command center* shall not be used for other than its intended use unless approved by the Fire Chief.

911.1.1.3 Locking arrangements. The *fire command center* shall be secured from unauthorized entry and shall be accessible to the Department at all times.

911.1.1.4 Access. Where access to the *fire command center* from the building's

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exterior is restricted because of secured openings, a key box in accordance with Section 506 of the *Fire Code* shall be installed at the building's main entrance or other approved location for Department access. The key box shall be of an *approved* type and shall contain keys to gain necessary access to the building and *fire command center* as required by the *code official* in consultation with the Fire Chief.

911.1.2 Separation. The *fire command center* shall be separated from the remainder of the building by not less than a 1-hour *fire barrier* constructed in accordance with Section 707 or *horizontal assembly* constructed in accordance with Section 711, or both.

911.1.3 Size. The *fire command center* shall be of sufficient size to accommodate all equipment and features required by this section but not less than 96 square feet (8.9 m²). A minimum clear aisle width of 48 inches (1220 mm) shall be provided in front of all equipment panels.

911.1.4 Layout approval. A layout of the *fire command center* and all features required by this section to be contained therein shall be submitted for approval prior to installation.

911.1.5 Required features. The *fire command center* shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication system control unit.
2. The fire department communications system.
3. Fire detection and alarm system annunciator.
4. Annunciator unit visually indicating the location of the elevators and whether they are operational.
5. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
6. Controls for unlocking *stairway* doors simultaneously.
7. Sprinkler valve and water-flow detector display panels.
8. Emergency and standby power status indicators.
9. A telephone for fire department use with controlled access to the public

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telephone system.

10. Fire pump status indicators.
11. Schematic building plans indicating the typical floor plan and detailing the building core, *means of egress*, *fire protection systems*, fire-fighting equipment and fire department access, and other building features affecting emergency response. The schematic plans shall be readily accessible, diagrammatic in nature, and fabricated of durable material or provided with a protective cover and bound in one set.
12. A copy of the facility's Fire Safety Plans and Fire Evacuation Plans that are prepared and maintained in accordance with the *Fire Code*.
13. Generator supervision devices, manual start and transfer features.
14. Public address system, where specifically required by other sections of this code.
15. Elevator fire recall switch in accordance with ASME A17.1.
16. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.
17. An *approved* Building Information Card that contains, but is not limited to, the following information:
 - 17.1. General building information that includes: property name, address, the number of floors in the building (above and below grade), use and occupancy classification (for mixed uses, identify the different types of occupancies on each floor), estimated building population (i.e., day, night, weekend);
 - 17.2. Building emergency contact information that includes: a list of the building's emergency contacts (e.g., building manager, building engineer, etc.) and their respective work phone number, cell phone number, and email address;
 - 17.3. Building construction information that includes: the type of building construction (e.g., floors, walls, columns, and roof assembly);
 - 17.4. *Exit stair* information that includes: number of *exit stairs* in the

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building, each *exit stair* designation and floors served, location where each *exit stair* discharges, *exit stairs* that are pressurized, *exit stairs* provided with emergency lighting, each *exit stair* that allows reentry, *exit stairs* providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve, location of elevator machine rooms, location of sky lobby, location of freight elevator banks;

- 17.5. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator, location of natural gas service;
- 17.6. *Fire protection system* information that includes: locations of standpipes, location of fire pump room, location of fire department connections, floors protected by *automatic* sprinklers, location of different types of sprinkler systems installed (e.g., dry, wet, pre-action, etc.); and
- 17.7. Hazardous material information that includes: location of hazardous material, quantity of hazardous material.

913 FIRE PUMPS

Strike Section 913.4 of the International Building Code in its entirety and insert new Section 913.4 to the Building Code in its place to read as follows:

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:

- 1. Central-station, proprietary or remote-station signaling service.
- 2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location.

Maintain Section 913.4.1 of the International Building Code in its entirety.

Insert new Section 916 in the Building Code to read as follows:

916 FIRE APPARATUS ACCESS ROADS

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916.1 General. Fire apparatus access roads shall be provided and maintained in accordance with Section 503 of the *Fire Code*.

Insert new Section 917 in the Building Code to read as follows:

917 KEY BOXES

917.1 General. Key boxes shall be provided and maintained in accordance with Section 506 of the *Fire Code*.

917.2 Where required. Key boxes are required where access to or within a structure or an area is restricted.

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CHAPTER 10 MEANS OF EGRESS

- 1003 General Means of Egress
- 1005 Means of Egress Sizing
- 1022 Interior Exit Stairways and Ramps
- 1024 Luminous Egress Path Markings

1003 GENERAL MEANS OF EGRESS

Strike Section 1003.2 of the International Building Code in its entirety and insert new Section 1003.2 in the Building Code in its place to read as follows:

1003.2 Ceiling height. The *means of egress* shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Sloped ceilings in accordance with Section 1208.2.
2. Ceilings of *dwelling units* and *sleeping units* within residential occupancies in accordance with Section 1208.2.
3. Allowable projections in accordance with Section 1003.3.
4. *Stair* headroom in accordance with Section 1009.5.
5. Door height in accordance with Section 1008.1.1.
6. *Ramp* headroom in accordance with Section 1010.6.2.

1005 MEANS OF EGRESS SIZING

1005.3.1 Stairways.

Strike the Exception to Section 1005.3.1 of the International Building Code in its entirety and insert a new Exception to Section 1005.3.1 of the Building Code in its place to read as follows:

Exception: For other than Group H and I-2 occupancies, the capacity, in inches (mm), of *means of egress* components other than *stairways* shall be calculated by multiplying the *occupant load* served by such component by a *means of egress* capacity factor of 0.15 inch (3.8 mm) per occupant in buildings equipped throughout

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with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

1005.3.2 Other egress components.

Strike the Exception to Section 1005.3.2 of the International Building Code and insert a new Exception to Section 1005.3.2 of the Building Code in its place to read as follows:

Exception: For other than Group H and I-2 occupancies, the capacity, in inches (mm), of *means of egress* components other than *stairways* shall be calculated by multiplying the *occupant load* served by such component by a *means of egress* capacity factor of 0.15 inch (3.8 mm) per occupant in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

1008 DOORS, GATES AND TURNSTILES

Insert new Section 1008.1.9.5.2 in the Building Code to read as follows:

1008.1.9.5.2 Public toilet facility door locking. Where a *toilet room* is provided for the use of multiple occupants, the egress door for the room shall not be lockable from the inside of the room. This section does not apply to family or assisted-use *toilet rooms*.

1022 INTERIOR STAIRWAYS AND RAMPS

Strike Section 1022.9 of the International Building Code in its entirety and insert new Section 1022.9 to the Building Code in its place to read as follows:

1022.9 Stairway signage. Signs shall be provided for all *interior exit stairways* and *ramps* connecting more than three stories, and for all *interior exit stairways* and *ramps* in buildings with three or more *interior exit stairways* or *ramps*.

1022.9.1 Signs outside stairway. A sign complying with ICC A117.1 shall be provided at each entrance to the *exit stairway* and *ramp*, identifying the *stair* or *ramp* with the same designations used for the *stairway* identification signs in Section 1022.9.2.1. The sign also shall state “EXIT” in raised characters and Braille in accordance with Section 1011.4 of the *Building Code*.

1022.9.2 Signs inside stairway. *Stairway* identification signs, floor-level signs, and *exit discharge* signs shall comply with the following requirements:

1022.9.2.1 Stairway identification signs. A *stairway* identification sign shall be

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provided at each floor landing in the *interior exit stairway* and *ramp* designating the floor level, the terminus of the top and bottom of the *interior exit stairway* and *ramp* and the identification of the *stair* or *ramp*. The signage shall also identify the story of, and the direction to, the *exit discharge* and the availability of roof access from the *interior exit stairway* and *ramp*. The sign shall be located entirely between 5 feet (1524 mm) and 8 feet (2438 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions and located so that occupants egressing from floors that are more remote from the exit discharge will face the sign frontally at some point in their path of egress.

Exception: *Stairway* identification signs are not required to identify the *story of*, and direction to the *exit discharge* in *interior exit stairways* and *ramps* that connect less than three stories.

1022.9.2.1.1 Signage requirements. *Stairway* identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches (457 mm) by 12 inches (305 mm).
2. The word “STAIR” and the *stair* designation or “RAMP” and the *ramp* designation shall consist of numerals and/or capital letters designating the identification of the *interior exit stairway* and *ramp*. The characters shall be a minimum of 1 1/2 inches (38 mm) in height but not greater than one-third the height of the floor level identification characters.
3. The numerals or capital letters designating the floor level shall be a minimum of 5 inches (127 mm) in height and located in the center of the sign.
4. All other lettering and numbers shall be a minimum of 1 inch (25 mm) in height but not greater than the *stair* or *ramp* identification characters.
5. The directional arrow shall be a minimum of 4 inches (102 mm) in length.
6. If the *interior exit stairway* or *ramp* provides access to the roof, the words “FIRE DEPT. ROOF ACCESS” shall be displayed immediately after the *stair* or *ramp* identification.
7. The signs shall identify floor levels, *stairs* and *ramps* by one or more characters, using a designation that is consistent with the floor level, *stair* and *ramp* designations used throughout the building.
8. Characters and their background shall have a non-glare finish.

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Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.

9. The sign shall be of an approved design, and shall be durable and of a material that complies with other sections of the *Construction Codes*. Unless painted on the wall, the sign shall be securely fastened to the structure.

1022.9.2.2 Floor-level signs. In addition to the *stairway* identification sign, a floor-level sign in raised characters and Braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the *interior exit stairway* and *ramp* into the *corridor* to identify the floor level.

1022.9.2.3 Exit discharge signs. A sign stating “EXIT” in raised characters and Braille shall be located adjacent to the door to the *exit discharge* in accordance with Section 1011.4 of the *Building Code*.

1024 LUMINOUS EGRESS PATH MARKINGS

Strike Section 1024 of the International Building Code in its entirety without replacement.

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CHAPTER 11 ACCESSIBILITY

- 1101 General
- 1107 Dwelling Units and Sleeping Units
- 1108 Special Occupancies
- Appendix E Supplementary Accessibility Requirements

1101 GENERAL

Strike Section 1101.1 of the International Building Code in its entirety and insert new Section 1101.1 in the Building Code in its place to read as follows:

1101.1 Scope. The provisions of Chapter 11 of the *Building Code* and Appendix E (except Section E110 Airports) of the *International Building Code*, as amended, shall control the design and construction of facilities for accessibility to persons with physical disabilities. Appendix E of the *International Building Code*, as amended, is adopted as Appendix E of the *Building Code*.

1107 DWELLING UNITS AND SLEEPING UNITS

Strike Section 1107.5.5.1 of the International Building Code in its entirety and insert new Section 1107.5.5.1 in its place to read as follows:

1107.5.5.1 Group I-3 sleeping units. In Group I-3 occupancies, at least 5 percent of the *dwelling units* and *sleeping units*, but not less than one unit, shall be *accessible units*.

Strike Section 1107.6.1 of the International Building Code in its entirety and insert new Section 1107.6.1 to the Building Code in its place to read as follows:

1107.6.1 Group R-1. *Accessible units* and *Type B units* shall be provided in Group R-1 occupancies in accordance with Sections 1107.6.1.1 and 1107.6.1.2

1107.6.1.1. Accessible units. *Accessible dwelling units* and *sleeping units* shall be provided in accordance with Table 1107.6.1.1. In order to determine the total number of *accessible units*, all *dwelling units* and *sleeping units* on a site shall be considered. *Accessible units* shall be dispersed among the various classes of units. Roll-in showers provided in *accessible units* shall include a permanently mounted folding shower seat.

1107.6.1.1.1 Accessible unit facilities. All interior and exterior spaces provided as part of or serving an *accessible dwelling unit* or *sleeping unit* shall be *accessible* and be located on an *accessible route*.

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Exceptions:

1. Where multiple bathrooms are provided within an *accessible unit*, at least one full bathroom shall be *accessible*.
2. Where multiple-family or assisted bathrooms serve an *accessible unit*, at least 50 percent, but not less than one bathroom for each use at each cluster shall be *accessible*.
3. Five percent of all beds, but not fewer than one bed, shall be *accessible*.

1107.6.1.1.2 Communication features. Accessible communication features shall be provided in accordance with Appendix E, Section E104.3, provided, however, that at least one *accessible unit*, but no more than 10 percent of the *accessible units*, shall be required to provide accessible communication features.

Strike Section 1107.6.2.1.1 of the International Building Code in its entirety and insert new Section 1107.6.2.1.1 in the Building Code in its place to read as follows:

1107.6.2.1.1 Type A units. In Group R-2 occupancies containing more than ten *dwelling units* or *sleeping units*, at least 15 percent of the units shall be *Type A units*, and at least 1 percent of the *Type A units*, but not less than one of the *Type A units*, shall be served by a roll-in shower that includes a permanently mounted folding shower seat. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of *Type A units*. *Type A units* shall be dispersed among the various classes of units.

Exceptions:

1. The number of *Type A units* is permitted to be reduced in accordance with Section 1107.7.
2. *Existing structures* on a *site* shall not contribute to the total number of units on a *site*.
3. *Type A units* may contain the following adaptable features:
 - 3.1 Kitchen and laundry appliances that do not have *accessible* controls;

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- 3.2 Refrigerator/freezers that do not have the required *accessible* freezer space; and
- 3.3 Kitchen sink cabinets and countertops that are not *accessible*, but that can be removed without cutting the countertop or damaging adjacent cabinets, walls, doors and structural elements, provided floor finishes extend under such cabinetry and the walls behind and surrounding cabinetry are finished.

1108 SPECIAL OCCUPANCIES

Insert new Section 1108.5 to the Building Code to read as follows:

1108.5 Detention and correctional facilities. Detention and correctional facilities shall comply with Sections 1108.5.1 through 1108.5.5.2.

1108.5.1 General. Buildings, facilities, or portions thereof, in which people are detained for penal or correctional purposes, or in which the liberty of the inmates is restricted for security reasons, shall comply with Section 1108.5.

1108.5.2 General holding cells and general housing cells. General holding cells and general housing cells shall be provided in accordance with this Section.

Exception: Alterations to cells shall not be required to comply except to the extent determined by the Attorney General of the District of Columbia.

1108.5.2.1 Cells. *Accessible cells* shall be provided in accordance with Section 1107.5.5.1.

1108.5.2.2 Beds. In cells having more than 25 beds, 5 percent of the beds shall have clear floor space complying with ICC A117.1 Section 806.2.

1108.5.2.3 Communication features. At least 2 percent, but no fewer than one, of the total number of general holding cells and general housing cells equipped with audible emergency alarm systems and permanently installed telephones within the cell, shall comply with ICC A117.1 Section 806.3.

1108.5.2.4 Overlap. Cells complying with ICC A117.1 Section 806.2 shall not be used to satisfy the minimum number of cells required to comply with ICC A117.1 Section 806.3.

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1108.5.3 Special holding cells and special housing cells or rooms. *Accessible* special holding cells or special housing cells or rooms shall be provided in accordance with Section 1107.5.5.2.

1108.5.4 Medical care facilities. *Accessible* patient sleeping units or cells in medical care facilities shall be provided in accordance with Section 1107.5.5.3.

1108.5.5 Visiting areas. Visiting areas shall comply with Section 1108.5.5.

1108.5.5.1 Cubicles and counters. At least 5 percent of cubicles, but no fewer than one cubicle shall be *accessible* on both the visitor and detainee sides. Where counters are provided, at least one counter shall be *accessible* on both the visitor and detainee or inmate sides.

Exception: This requirement shall not apply to the inmate or detainee side of cubicles or counters at non-contact visiting areas not serving holding or housing cells to comply with Section 1108.5

1108.5.5.2 Partitions. Where solid partitions or security glazing separates visitors from detainees, at least one of each type of cubicle or counter partition shall be *accessible*.

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CHAPTER 12 INTERIOR ENVIRONMENT

1207 Sound Transmission

1207 SOUND TRANSMISSION

Strike Sections 1207.1 and 1207.2 of the International Building Code in their entirety and insert new Sections 1207.1 and 1207.2 in the Building Code in their place to read as follows:

1207.1 Scope. This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent *dwelling units* or between *dwelling units* and adjacent public areas such as halls, *corridors*, *stairs*, service areas, or Group A-2 occupancies.

1207.2 Interior sound. Walls, partitions and floor/ceiling assemblies separating *dwelling units* from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90. Walls, partitions and floor/ceiling assemblies separating Group A-2 occupancies from *dwelling units* shall have a sound transmission class (STC) of not less than 55 and shall be field tested to achieve a rating of not less than 50 for air-borne noise. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to *dwelling unit* entrance doors; however, such doors shall be tight fitting to the frame and sill.

Exception: Group A-2 occupancies that do not utilize amplified music as part of their use shall be exempt from these provisions.

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CHAPTER 14 EXTERIOR WALLS

1403 Performance Requirements

1403 PERFORMANCE REQUIREMENTS

Strike Section 1403.5 Vertical and lateral flame propagation, of the International Building Code in its entirety without substitution.

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CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

- 1504 Performance Requirements
- 1507 Requirements for Roof Coverings
- 1509 Rooftop Structures
- 1512 Roof Solar Reflectance and Thermal Emittance

1504 PERFORMANCE REQUIREMENTS

Strike Section 1504.4 of the International Building Code in its entirety and insert new Section 1504.4 to the Building Code in its place to read as follows:

1504.4 Ballasted low-slope roof systems. Ballasted low-slope (roof slope < 2:12) single-ply roof system coverings installed in accordance with Sections 1507.12 and 1507.13, and protected membrane ballasted low-slope (roof slope < 2:12) hot-applied rubberized-asphalt roofing systems installed in accordance with Section 1507.18, shall be designed in accordance with Section 1504.8 and ANSI/SPRI RP-4.

1507 REQUIREMENTS FOR ROOF COVERINGS

Insert new Section 1507.18 to the Building Code to read as follows:

1507.18 Hot-applied rubberized-asphalt roofing. The installation of hot-applied rubberized-asphalt roofing shall comply with the provisions of this section.

1507.18.1 Slope. Hot-applied rubberized-asphalt roof membranes shall not be required to have a minimum design slope (0-percent slope).

1507.18.2 Material standards. Hot-applied rubberized-asphalt roofing shall be one-part hot-applied rubberized asphalt and comply with CAN/CGSB-37.50-M89.

1507.18.3 Protected membrane ballasted low-slope roofs. Protected membrane ballasted roof assemblies with a low-slope (roof slope < 2:12) shall be installed in accordance with this section and Section 1504.4. Stone used as ballast shall comply with ASTM D448.

1509 ROOFTOP STRUCTURES

Strike Section 1509.6.1 of the International Building Code in its entirety and insert new Section 1509.6.1 in the Building Code in its place to read as follows:

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1509.6.1 Height limitations. Mechanical equipment screens shall not exceed 18 feet 6 inches (5638 mm) in height above the roof deck, as measured to the highest point on the mechanical equipment screen.

Exception: Where located on buildings of Type IA construction, the height of mechanical equipment screens shall not be limited.

Insert new Section 1512 to the Building Code to read as follows:

1512 ROOF SOLAR REFLECTANCE AND THERMAL EMITTANCE

1512.1 Roof solar reflectance and thermal emittance. Low-sloped roofs shall comply with the roof solar reflectance and thermal emittance requirements set forth in Subsection C402.2.1.1 of the *Energy Conservation Code*, as applicable.

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CHAPTER 16 STRUCTURAL DESIGN

- 1603 Construction Documents
- 1607 Live Loads
- 1608 Snow Loads

1603 CONSTRUCTION DOCUMENTS

Insert new Section 1603.4 in the Building Code to read as follows:

1603.4 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

1607 LIVE LOADS

Strike Item 14 in Table 1607.1 of the International Building Code in its entirety and insert new Item 14 in Table 1607.1 in the Building Code in its place to read as follows:

TABLE 1607.1
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS, L_o , AND MINIMUM
CONCENTRATED LIVE LOADS^g

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
14. Garages (Passenger vehicles only)	50 ^m	Note a
Top deck of exposed garage	50, plus snow loading in accordance with Section 1608	
Trucks and buses	See Section 1607.7	See Section 1607.7

^a Floors in garages or portions of buildings used for the storage of motor vehicles shall be designed for the uniformly distributed live loads of Table 1607.1 or the following concentrated loads: (1) for garages restricted to passenger vehicles accommodating not more than nine passengers, 3,000 pounds acting on an area of 4.5 inches by 4.5 inches; (2) for mechanical parking structures without slab or deck that are used for storing passenger vehicles only, 2,250 pounds per wheel.

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^m Live load reduction is not permitted unless specific exceptions of Section 1607.10 apply.

Strike Section 1607.3 of the International Building Code in its entirety and insert new Section 1607.3 to the Building Code in its place to read as follows:

1607.3 Uniform live loads. The live loads used in the design of buildings and other structures shall be the maximum loads expected by the intended use or occupancy, but shall in no case be less than the minimum uniformly distributed live loads required by Table 1607.1.

Exception: Buildings erected before July 1, 1925: In the alteration of buildings erected before July 1, 1925, the code official is authorized to allow a maximum reduction of 30 percent of the specified minimum live loads in Table 1607.1, with a minimum live load for other than residential buildings of 40 psf (1.92 kN/m²), provided that official live load placards are posted showing this reduced live load.

Insert new Section 1607.15 to the Building Code to read as follows:

1607.15 Powered maintenance platforms. The structural supports for powered maintenance platforms shall be designed in accordance with the requirements in 29 CFR 1910 Subpart F Standard 1910.66 (“Powered Platforms for Building Maintenance”) of Occupational Safety and Health Administration Standards.

1608 SNOW LOADS

Insert new Section 1608.1.1 to the Building Code to read as follows:

1608.1.1 Snow load for the District of Columbia. The basic snow load for the District of Columbia, as shown in Figure 1608.2 shall be a minimum of 25 psf (1.20 kN/m²) plus drifting or 30 psf (1.44 kN/m²) equivalent uniform load, whichever is greater.

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CHAPTER 18 SOILS AND FOUNDATIONS

1809 Shallow Foundations

1809 SHALLOW FOUNDATIONS

Strike Section 1809.5 of the International Building Code in its entirety and insert new Section 1809.5 to the Building Code in its place to read as follows:

1809.5 Frost Protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below 30 inches (762 mm), the frost line of the locality;
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I, in accordance with Section 1604.5;
2. Area of 600 square feet (56 m²) or less for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction; and
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

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CHAPTER 26 PLASTIC

2603 Foam Plastic Insulation

2603 FOAM PLASTIC INSULATION

Strike Section 2603.5.5 of the International Building Code in its entirety and insert new Section 2603.5.5 in the Building Code in its place to read as follows:

2603.5.5 Vertical and lateral fire propagation. Exterior wall assemblies containing foam plastic insulation shall provide protection against vertical and lateral flame propagation in accordance with one of the methods in this section.

Exception: One-story buildings complying with Section 2603.4.1.4.

2603.5.5.1 Testing to NFPA 285. Exterior wall assemblies shall be tested in accordance with NFPA 285 and comply with the acceptance criteria of NFPA 285.

2603.5.5.2 Fireblocking. Concealed spaces within exterior wall assemblies shall be fireblocked in such a manner so as to cut off the concealed openings (both vertical and horizontal), and form an effective barrier between floors.

2603.5.5.2.1 Location of fireblocking. Fireblocking shall be installed within concealed spaces of exterior wall assemblies at every floor level, and at every ceiling level where the ceiling is part of an assembly required to have a fire-resistance rating. Fireblocking shall be installed at horizontal intervals not exceeding 10 feet in exterior walls of combustible construction and 65 feet in exterior walls of noncombustible construction. Fireblocking shall be installed at maximum vertical intervals not exceeding 10 feet in noncombustible and combustible construction.

2603.5.5.2.2 Materials. Materials used for fireblocking in exterior wall assemblies shall comply with one or more of the following:

1. Materials demonstrated to remain in place and that prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E 119 or UL 263 time-temperature conditions under a minimum positive pressure differential of 0.01 inch (2.49 Pa) of water at the location of the penetration for a time period of 15 minutes.

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2. Gypsum board having a minimum thickness of 1/2 inch (12.7 mm) provided all joints have continuous support.
3. Sheet steel not less than 26 ga (0.38 mm) thickness provided all joints have continuous support.
4. Cement-based millboard having a minimum thickness of 1/4 -inch (6.4 mm).
5. Batts or blankets of mineral wool, mineral fiber or other approved materials installed in such a manner to securely remain in place.
6. Cellulose insulation installed as tested for the specific application.
7. In buildings of noncombustible construction, fire-retardant wood in accordance with Section 603.1.
8. In buildings of combustible construction, materials listed in Section 718.2.1.

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CHAPTER 29 PLUMBING SYSTEMS

2902 Minimum Plumbing Facilities

2902 MINIMUM PLUMBING FACILITIES

Strike Section 2902.4 of the International Building Code in its entirety and insert new Section 2902.4 to the Building Code in its place to read as follows:

2902.4 Signage. Multi-occupancy public toilet facilities shall be designated by a legible sign for each sex. Single-occupancy public facilities shall be designated with gender-neutral signage. Signs shall be readily visible and located near the entrance to each toilet facility. Signs for *accessible* toilet facilities shall comply with Section 1110.

Insert new Section 2902.5.1 in the Building Code to read as follows:

2902.5.1 Drinking fountain substitution. Drinking fountains shall not be required in restaurants that provide drinking water in a container free of charge. In establishments of occupancies B or M, with an area of 1,500 square feet (139.4 m²) or less, a water cooler or a bottled water dispenser may be substituted for the required drinking fountain. In other occupancies, including B or M occupancies with an area of more than 1,500 square feet (139.4 m²), water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

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CHAPTER 30 ELEVATORS AND CONVEYING SYSTEMS

- 3001 General
- 3003 Emergency Operations
- 3007 Fire Service Access Elevators
- 3008 Occupant Evacuation Elevators
- 3009 Amendments to ASME Standard A17.1
- 3010 Certificate of Inspection

3001 GENERAL

Strike Sections 3001.1 and 3001.2 of the International Building Code in their entirety and add new Sections 3001.1 and 3001.2 to the Building Code in their place to read as follows:

3001.1 Scope. This chapter governs the design, construction, installation, *alteration*, repair and maintenance of elevators and conveying systems, including, but not limited to, escalators, platform and stairway chair lifts, dumbwaiters, and moving walks, and their components.

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, *alteration*, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A18.1, ICC A117.1, ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in *flood hazard areas* established in Section 1612.3. *Alteration* and repair of existing elevators and conveying systems shall comply with the *Existing Building Code*. Maintenance of existing elevators and conveying systems shall also comply with the requirements of the *Property Maintenance Code*.

3007 FIRE SERVICE ACCESS ELEVATOR

Strike Section 3007.9 of the International Building Code in its entirety and insert new Section 3007.9 to the Building Code in its place to read as follows:

3007.9 Electrical power. The following features serving each fire service access elevator shall be supplied by both normal power and Type 60/Class 2/Level 1 standby power:

1. Elevator equipment.
2. Elevator hoistway lighting.
3. Elevator machine room ventilation and cooling equipment.
4. Elevator controller cooling equipment.

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5. Lighting of elevator machinery spaces, machine rooms, control spaces, and control rooms.

3007.9.1 Protection of wiring or cables. Wires or cables that are located outside of the elevator hoistway and machine room and that provide normal or standby power, control signals, communication with the car, lighting, heating, air conditioning, *ventilation* and fire-detecting systems to fire service access elevators shall be protected by construction having a *fire-resistance rating* of not less than 2 hours, or shall be circuit integrity cable having a *fire-resistance rating* of not less than 2 hours.

Exception: Wiring and cables to control signals are not required to be protected provided that wiring and cables do not serve Phase II emergency in-car operations.

3008 OCCUPANT EVACUATION ELEVATORS

Strike Section 3008.9 of the International Building Code in its entirety and insert new Section 3008.9 to the Building Code in its place to read as follows:

3008.9 Electrical power. The following features serving each occupant evacuation elevator shall be supplied by both normal power and Type 60/Class 2/Level 1 standby power:

1. Elevator equipment.
2. Elevator machine room ventilation and cooling equipment.
3. Elevator controller cooling equipment.
4. Lighting of elevator machinery spaces, machine rooms, control spaces, and control rooms.

3008.9.1 Protection of wiring or cables. Wires or cables that are located outside of the elevator hoistway and machine room and that provide normal and standby power, control signals, communication with the car, lighting, heating, air conditioning, *ventilation* and fire-detecting systems to occupant evacuation elevators shall be protected by construction having a *fire-resistance rating* of not less than 2 hours or shall be circuit integrity cable having a *fire-resistance rating* of not less than 2 hours.

Exception: Wiring and cables to control signals are not required to be protected provided that wiring and cables do not serve Phase II emergency in-car operations.

3009 AMENDMENTS TO STANDARD ASME A17.1

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3009.1 ASME A17.1, Section 1.2.1.

Strike Section 1.2.1 of ASME A17.1 and insert new Section 1.2.1 to ASME A17.1 in its place to read as follows:

1.2.1 Purpose. The purpose of ASME A17.1/CSA B44, Safety Code for Elevators and Escalators, is to provide for the safety of life and limb, and to promote the public welfare. Compliance with this Safety Code shall be achieved by:

- (a) Conformance with the requirements in ASME A17.1/CSA B44; or
- (b) Using an alternative method approved in conformance with the requirements of Section 104.11, Alternative Materials, Equipment, Methods of Construction and Design, 12 DCMR A, for systems, subsystems, components, or functions that do not conform with certain requirements in ASME A17.1/CSA B44.

3009.2 ASME A17.1, Section 2.2.

Strike Section 2.2.4.2.2 of ASME A17.1 and insert new Section 2.2.4.2.2 in its place to read as follows:

2.2.4.2.2 The ladder rungs, cleats, or steps shall be a minimum of 400 mm (16 in.) wide. When obstructions are encountered, the width shall be permitted to be decreased to less than 400 mm (16 in.). The reduced width shall be as wide as the available space permits, but not less than 304.8 mm (12 in.).

Insert new Section 2.2.2.7 to ASME A17.1, Section 2.2, to read as follows

2.2.2.7 Where a cord and plug connection type of sump pump is located in elevator pits, a non GFCI dedicated single receptacle compliant with NEMA 4 requirement for “Wet Duty” usage shall be provided.

3009.3 ASME A17.1, Section 2.27.

Strike Section 2.27.1.1 of ASME A17.1 and insert new Section 2.27.1.1.1 in its place to read as follows:

2.27.1.1.1 A two-way communications means between the car and a location staffed by authorized personnel shall be provided and an audible signaling device shall be provided. It shall be operable from the emergency stop switch, where required by Section 2.26.2.5, and from a

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switch identified as “ALARM,” which shall be provided in or adjacent to each car operating panel. The “ALARM” switch or visual identification shall illuminate when the “ALARM” switch is actuated. One audible signaling device shall be permitted to be used for a group of elevators. The audible signaling device shall:

- (a) Have a rated sound pressure rating of not less than 80 dBA and no more than 90 dBA at 3 m (10 ft);
- (b) Respond without delay after the switch has been activated;
- (c) Be located inside the building and audible inside the car and outside the hoistway; and
- (d) For elevators with a travel greater than 30 m (100 ft), be duplicated as follows:
 - (1) One device shall be mounted on the car; and
 - (2) A second device shall be placed at the designated level.

Strike Section 2.27.1.1.5 of ASME A17.1 and insert new Section 2.27.1.1.5 in its place to read as follows:

2.27.1.1.5 If the two-way emergency communications or if the audible signaling device means are normally connected to the building power supply, they shall automatically transfer to a source of standby or emergency power as required by the applicable building code, or where applicable, Standard for Health Care Facilities (ANSI/NFPA-99, after the normal power supply fails. The power source shall be capable of providing power for illumination of the visual indication [see 2.27.1.1.3(c)] within the car, and the means of emergency communications for at least 4 hours; and the audible signaling device (see 2.27.1.2) for at least 1 hour.

3009.4 ASME A17.1, Section 3.26.

Strike Section 3.26.10 of ASME A17.1 and insert new Section 3.26.10 in ASME A17.1 in its place to read as follows:

3.26.10 Auxiliary Power Lowering Operation. In the absence of an emergency power supply, an auxiliary power supply shall be provided solely for the purpose of lowering

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the car in the case of main power failure. The auxiliary lowering operation shall conform to 3.26.10.1 through 3.26.10.3.

3.26.10.1 Auxiliary lowering shall be permitted to be initiated, provided that all operating and control devices, including door open and close buttons function as with normal power supply, except that the following devices shall be permitted to be bypassed or made inoperative:

- (a) Landing and car floor registration devices (or call buttons);
- (b) Devices enabling operation by designated attendant (hospital service, attendant operation);
- (c) Devices initiating emergency recall operation to the recall level, unless otherwise specified in Section 3.27; and
- (d) “FIRE OPERATION” switch, unless otherwise specified in Section 3.27.

3.26.10.2 When the auxiliary lowering operation has been initiated, the car shall descend directly to the lowest landing, except that the operating system shall be permitted to allow one or more intermediate stops, and then, after a predetermined interval, the car shall proceed to the lowest landing, provided the auxiliary power supply is of sufficient capacity to open and close doors at each intermediate stop.

3.26.10.3 If the car and landing doors are power operated, and if the auxiliary power supply is of adequate capacity, the doors shall open when the car stops at the lowest landing and shall close after a predetermined interval.

NOTE (3.26.10): For the main disconnect switch auxiliary contact, see ANSI/NFPA70 and CSA-C22.1 requirements, where applicable (see Part 9).

3009.5 ASME A17.1, Section 8.6.

Strike Section 8.6.1.2.1(d) of ASME A17.1 and insert new Section 8.6.1.2.1(d) to ASME A17.1 in its place to read as follows:

8.6.1.2.1(d) The Maintenance Control Program shall be accessible to the elevator personnel and shall document compliance with 8.6. The Maintenance Control Program (MCP) shall be located on site, either in printed or digital media form. Access to the MCP shall be provided on site for review/viewing and reference for inspectors and elevator personnel to properly perform their respective duties during inspection and testing of the equipment. A MCP shall be provided for each different type of

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equipment installed.

Strike Section 8.6.4.19.7 of ASME A17.1 and insert new Section 8.6.4.19.7 to ASME A17.1 in its place to read as follows:

8.6.4.19.7 Standby or Emergency Power Operation. Operation of elevators equipped with standby or emergency power shall be tested to determine conformance with the applicable requirements (Item 1.17.2.1). Automatic sequence of operation, if provided, shall be tested. Tests shall be performed with no load in the car.

Strike Section 8.6.5.14.3(f) of ASME A17.1 and insert new Section 8.6.5.14.3(f) to ASME A17.1 in its place to read as follows:

8.6.5.14.3(f) Additional Tests. The following tests shall also be performed:

- (f) Standby Power Operation 8.6.5.14.3(f) (Item 1.17). Automatic sequence of operation, if provided, shall be tested.

NOTE: Absorption of regenerated power (Section 2.26.10) does not apply to hydraulic elevators.

Insert new Section 3010 in the Building Code to read as follows:

3010 CERTIFICATE OF INSPECTION

3010.1 General. No elevator or conveying system, including, but not limited to, escalators, dumbwaiters, wheelchair lifts, cartveyors, manlifts and moving walks, shall be operated without a valid certificate of inspection issued by the *code official*.

Exceptions:

1. Where the *code official* authorizes limited approval of use in accordance with the provisions of Section 3010.2.
2. Elevators and conveying systems covered by the *Residential Code* where the equipment is serving one *dwelling unit*.
3. In Groups R-2 and R-3 occupancies where the equipment is serving one *dwelling unit*.

3010.2 Limited approval of use. The *code official* is authorized to grant limited approval of use

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for any equipment covered by this chapter.

3010.2.1 Work performed under permit. A permit issued to install, relocate, *alter* or repair any equipment covered by this chapter, shall serve as limited approval of use of the equipment by the permit holder during the period of such installation, relocation, *alteration* or repair.

3010.2.2 Construction use. Limited approval of use of an elevator may be granted by the *code official* during authorized construction or demolition to provide transportation for construction personnel, tools, and materials, provided that full compliance with ASME A17.1-5.10 has been confirmed by the testing, inspection and certification of the elevator by the *code official* or by an *approved* third party inspector. Public use of an elevator with limited approval of use under this Section 3010.2.2 is prohibited. Equipment other than elevators shall be tested and protective measures shall be provided as deemed necessary by the *code official* to ensure safe operation for the limited service specified.

3010.2.2.1 Time limitation. For elevators approved for “Construction Use” under ASME A17.1-5.10, the limited approval of use shall be valid for a maximum period of 90 days. The *code official* is authorized to renew the limited approval of use, after performance of the required inspections and/or tests required by ASME A17.1-8.11.5.13, for additional periods of time not exceeding 90 days each.

3010.3 Final inspection. Upon installation, relocation or *alteration* of an elevator or conveying system for which a permit is required, a final inspection of the equipment is required to verify that all required inspections have been performed and approved. The permit holder shall apply for and obtain a valid certificate of inspection from the Department within 30 working days after completion of the final inspection.

3010.4 Content of certificate of inspection; posting. The certificate of inspection shall contain the following information, and a copy of the most current certificate of inspection shall be on display at all times within the elevator or attached to the conveying system unless exempted pursuant to Section 3010.6:

1. The address of the structure.
2. The name and address of the owner.
3. A description of the vertical transportation equipment (e.g., escalator, elevator, dumbwaiter, wheelchair lift, moving walk or conveyor).
4. The rated load and speed.

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5. A statement that the described equipment has been inspected for compliance with the requirements of the *Construction Codes*.
6. The name of the *code official*.
7. Any special stipulations and conditions of the permit under which the equipment was installed, relocated or altered.

3010.5 Maintenance, testing, inspections. Periodic tests and inspections shall be made by the *code official*, or by an *approved* third party agency, and shall be made at the expense and responsibility of the *owner*. Except as otherwise provided for in this code, the maintenance, inspection and testing of all elevators and conveying systems and their components, including the frequency of inspections and testing, shall conform to:

3010.5.1 Elevators, escalators and other conveyances listed in ASME A17.1, Appendix N. Inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the *code official*.

Exception: Units in residential use serving one family *dwelling unit*.

3010.5.2 Platform lifts and stairway chair lifts. Inspections and testing of platform lifts and stairway chair lifts shall be performed for all units as stated in ASME A18.1-Section 10.

Exception: Units in residential use serving one family *dwelling unit*.

3010.5.3 Manlifts. Inspections and testing of manlifts shall be performed for all units as stated in ASME A90.1, Safety Standard for Manlifts.

3010.5.4 Conveyors and related equipment. Inspections and testing of conveyors and related equipment shall be performed as stated in ASME B20.1, Safety Standard for Conveyors and Related Equipment.

3010.5.4.1 Cartveyors. Cartveyors shall be maintained as per original equipment manufacturer's recommendations. Inspection and testing shall be at the same frequency as escalators in ASME A17.1, Appendix N.

3010.6 Reports and certificates. Where inspections and tests are not made by the *code official*, the *approved* agency shall submit a report of the inspections and tests to the *code official* on *approved* forms not more than 30 days after completion of the inspection and tests. Upon receipt of satisfactory inspection and test reports, the *code official* shall authorize the issuance of a certificate of inspection, or a renewal certificate as provided in Section 3010.9, for each unit of

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equipment.

Exceptions: The submission of test reports to the *code official* and the issuance of certificates and display of certificates is not required:

1. In Groups R-2 and R-3 occupancies where the equipment is serving one *dwelling unit*.
2. In buildings under the jurisdiction of the *Residential Code* where the equipment is serving one *dwelling unit*.

3010.7 Out of service; temporarily dormant. A permit from the *Department* shall be required: (a) to take an elevator or conveying system out of service pursuant to ASME A17.1, Section 8.11.1.4; or (b) to place an elevator or conveying system in temporarily dormant status as set forth in 3010.7.1.

3010.7.1 Temporarily dormant. An elevator or conveying system shall be temporarily dormant where removed from its normal class of service for an extended period of time (not to exceed five years) by an owner's decision and not due to maintenance or repair. During this period of time, the equipment shall be secured for the benefit of public safety in accordance with the following requirements:

1. The power supply shall be disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The padlock shall not be removed without permission from the *code official*.
2. The unit shall be parked and the hoistway/runway doors securely bolted from opening in any plane. The means of securing the doors shall be exclusive of the interlocks.
3. A wire seal shall be installed on the mainline disconnect switch by an elevator inspector accredited by a national certifying agency and *approved* by the *code official*. The wire seal shall not be removed without permission from the *code official*.
4. The equipment shall not be used again until it has been put in safe running order and passed an acceptance test, congruent with the installation date or the Code Data Tag posted on the equipment, as provided in ASME 17.1, Section 8.10 and the *owner* has obtained a valid certificate of inspection from the *code official*.
5. Annual inspections shall continue for the duration of the period that the elevator is temporarily dormant, and the inspector shall file an annual report

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with the *code official*, to confirm that the requirements set forth in this section are met.

3010.8 Equipment in operation. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator or conveying system shall be permitted to have the elevator or conveying system temporarily out of service for testing, maintenance and/or repair.

3010.9 Renewal of certificates. The certificate of inspection, for each elevator and conveying system, must be renewed every 24 months, or at an alternate interval specified by the *code official*, as long as the unit is in service. Renewal of the certificate of inspection will be granted upon satisfactory demonstration to the *code official* that the unit of equipment has met all of the inspections and testing required by the *Construction Codes* and referenced standards.

3010.10 Unsafe equipment. When, in the opinion of the *code official*, an elevator or conveying system or its components are unsafe or unlawful, the *code official* is authorized and empowered to place the unit out of service, and to prohibit the operation of the equipment until the unsafe or unlawful condition is corrected. The *code official* shall post on the unsafe equipment a placard or notice bearing the words “Unsafe to Use” and may also attach a lead seal to prevent the equipment from being operated.

3010.10.1 Notification of unsafe or unlawful condition. When an *approved* Third Party Inspection Agency inspector observes or identifies unsafe or unlawful condition(s) causing an elevator to be removed from service, the inspector shall immediately notify the *code official*. The inspector is authorized to place on the unit adjudged to be unsafe or unlawful an “Unsafe to Use” placard. The *code official* must be notified immediately of the Third Party Inspector’s action, pursuant to the notification procedures established by the *code official*.

3010.10.2. Placard removal. The *code official* shall remove the “Unsafe to Use” notice whenever the defect or defects upon which the closure action was based have been eliminated. Any person who defaces or removes an “Unsafe to Use” notice or lead seal without the approval of the *code official*, or operates the placarded equipment, shall be subject to the penalties provided by this code.

An *approved* Third Party Inspector is permitted to remove an “Unsafe to Use Notice” issued by that inspector, after abatement of the unsafe or unlawful condition and appropriate reinspection of the conveyance.

Exception: Placarded equipment may be operated solely as necessary to effectuate repairs.

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3010.10.3 Abatement methods. The *owner* of the equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, replacement or other *approved* corrective action.

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CHAPTER 31 SPECIAL CONSTRUCTION

- 3103 Temporary Structures
- 3105 Awnings and Canopies
- 3106 Marquees
- 3107 Signs
- 3109 Swimming Pool Enclosures and Safety Devices
- 3112 Fences

3103 TEMPORARY STRUCTURES

Strike Section 3103.1.1 of the International Building Code in its entirety and insert new Section 3101.1.1 to the Building Code in its place to read as follows:

3103.1.1 Permit required. Temporary structures that cover an area greater than 100 square feet (9.29 m²), including connecting areas or spaces with a common *means of egress* or entrance, shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *code official*.

3105 AWNINGS AND CANOPIES

Strike Section 3105 of the International Building Code in its entirety and insert new Section 3105 to the Building Code in its place to read as follows:

3105.1. General. *Awnings* or *canopies* shall comply with the requirements of this Section 3105, other applicable sections of the *Construction Codes*, the *Zoning Regulations*, the District of Columbia Public Space Manual and other applicable requirements.

3105.1.1 Permit. A permit shall be obtained from the *code official* for the erection, or replacement of any fixed *awning* or *canopy* and for any *retractable awning* located at the first story level and extending over a *public way* or over any portion of a court or yard beside a building serving as a passage from a required exit or exit discharge to a *public way*.

Exceptions: A permit shall not be required to erect or replace fixed or *retractable awnings* projecting 40 inches (1016 mm) or less that are located outside the jurisdiction of the U.S. Commission of Fine Arts or the Historic Preservation Review Board, where the *awnings* meet one or more of the following criteria:

1. *Awnings* installed on detached one- and two-family *dwelling*s and townhouses not more than three stories above grade in height with a separate means of egress;
2. *Retractable awnings* installed above the first story; or

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3. *Awnings* not projecting over a *public way* or over any court or yard serving as a passage from a required exit to a *public way*.

3105.2 Design and construction. *Awnings* and *canopies* shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. *Awnings* shall have frames of noncombustible material with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL723.

3105.3 Fixed or permanent awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any fixed or permanent *awning* shall be 8 feet (2438 mm). Fixed or permanent *awnings* installed above the first story shall not project more than 5 feet (1524 mm) from the face of the building.

Exception: Above doors on detached one and two family dwellings and townhouses not more than three stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the *awning* shall be 80 inches (2032 mm).

3105.4 Retractable awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any *retractable awning* shall be 8 feet (2438 mm). *Retractable awnings* shall be securely fastened to the building and, in the fully extended position, no part of the *awning* shall be closer than 12 inches (305 mm) to the vertical plane of the curb line. *Retractable awnings* shall be equipped with a mechanism or device for raising and holding the *awning* in a retracted or closed position against the face of the building.

Exception: Above doors on detached one and two family dwellings and townhouses not more than three stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the *awning* shall be 80 inches (2032 mm).

3105.5 Canopies. *Canopies* shall be attached to the building at the inner end and supported at the outer end by not more than two stanchions with braces anchored in an approved manner and shall not extend closer than 2 feet (610 mm) from the curb line. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any canopy shall be 8 feet (2438 mm). The width of canopies shall not exceed 8 feet (2438 mm).

3105.6 Lettering on awnings or canopies. Lettering on awnings or canopies shall comply with the sign regulations set forth in Title 13 of the DCMR.

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3106 MARQUEES

Strike Section 3106.1 of the International Building Code in its entirety and insert new section 3106.1 in the Building Code in its place to read as follows:

3106.1 General. Marquees shall comply with Sections 3106.3 through 3106.5 and other applicable sections of this code.

Strike Section 3106.2 of the International Building Code in its entirety without substitution.

3107 SIGNS

Strike Section 3107.1 of the International Building Code in its entirety and insert new Section 3107.1 to the Building Code to read as follows:

3107.1 General. Exterior signs shall be designed, constructed and maintained in accordance with the sign regulations set forth in Title 13 of the DCMR.

3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

Strike Section 3109, Swimming Pool Enclosures and Safety Devices, in the International Building Code in its entirety and insert new Section 3109.1 in the Building Code to read as follows:

3109.1 General. Swimming pool enclosures and safety devices shall comply with the requirements set forth in the *Swimming Pool and Spa Code*.

Insert new Section 3112 to the Building Code to read as follows:

3112 FENCES

3112.1 General. Fences shall comply with the requirements of this Section, other applicable sections of the *Construction Codes* and other municipal regulations. This Section applies to fences back of the building line. All barbed wire and similar fences shall comply with the requirements of Sections 3112.4 and 3112.4.1. Fences on privately-owned land beyond a building restriction line shall comply with the requirements for fences on public property and permits for such fences shall be obtained from the *code official*.

3112.1.1 Fence walls. Fence walls shall conform to the requirements for fences.

3112.1.2 Screens or trellises. Screens or trellises shall conform to the requirements for fences.

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3112.1.3 Height measurement. The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

3112.1.4 Permit applications. Application for permits to erect or increase the height of a fence, or change the grade adjacent to a fence, shall be accompanied by an official building plat upon which the proposed fence location is indicated. Review and approval by the Zoning Administrator shall be required before a permit shall be issued.

Exception: Review or approval by the Zoning Administrator shall not be required where (a) an existing lawful fence is replaced; (b) the extent, location, and the height of the fence is unchanged; and (c) the adjacent grade is unchanged.

3112.2 Party fences. Only those portions of the length of a fence, including footings, which are partly on each side of a party line shall be considered as party fences. Permit applications for party fences shall be signed by the owners of the properties on which the fence is to be located.

3112.2.1 Fence materials. A party fence shall be a wood, woven wire, or iron fence of open pattern, unless otherwise agreed upon by the adjoining owners.

3112.2.2 Height agreements. Where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts or 10 feet (3048 mm) in S-P, C, C-M, or M Districts, written agreement to the height by the *owners* of the properties on which the fence is to be located shall be filed with the *code official* before issuance of a permit.

3112.3 Other fences. Fences other than party fences shall comply with Sections 3112.3.1 through 3112.3.5.

3112.3.1 Fences abutting streets. Fences abutting a street shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in height in S-P, C, C-M, or M Districts.

3112.3.1.1 Special provisions applicable to historic districts and landmarks. Within a historic district or at a designated historic landmark, fences or walls between the front façade of a structure and the front lot line shall not exceed 3 feet 6 inches (1067 mm) in height. Fences between the front façade of a structure and the front lot line shall be at least 50 percent open. (The ratio shall be computed in elevation by dividing the fence elements themselves by the open space between the fence elements.) The *code official* is authorized to allow fences or walls covered by this subsection to exceed 3 feet 6 inches (1067 mm) in height upon recommendation of the Historic Preservation Office.

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3112.3.2 Fences abutting alleys. Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts.

Exception: The *code official* is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

3112.3.3 Fences near party lines. Fences within a strip 10 feet (3048 mm) wide and parallel to the party line shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts. Fences shall not obstruct light or ventilation for any required window.

Exception: Where the written consent of the adjoining owners is filed with the *code official*, the *code official* is authorized to approve a greater height, not to exceed 10 feet (3048 mm).

3112.3.4 Fences distant from party line. Fences more than 10 feet (3048 mm) from a party line, alley, building or building restriction line shall not be limited as to height, provided such fences do not encroach on a required yard or court, nor obstruct the light or ventilation for any required window.

3112.3.5 Gate height. Gates shall not exceed the height of the fence.

3112.4 Barbed wire and similar fences. No barbed wire or similar fence, barrier, or obstruction, made thus in whole or in part, shall be erected, constructed, or maintained, along the building restriction line, or in or upon any street, alley, road, or other public walk, driveway, or public or private parking in the District of Columbia.

3112.4.1 Barbed wire and similar fence on private property. A barbed wire or similar fence, barrier or obstruction may be erected wholly on private property when located in back of the lot line or building restriction line if one exists. The minimum height of the lowest strand of barbed wire shall be 6 feet (1829 mm) above adjacent ground and the wire shall not project beyond the lot line or building restriction line.

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CHAPTER 32 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

3202 Encroachments

3202 ENCROACHMENTS

Strike Sections 3202.1 through 3202.4 of the International Building Code in their entirety and add new Sections 3202.1 through 3202.13.2.5 in the Building Code in their place to read as follows:

3202.1 Character of encroachments. Encroachments (hereinafter referred to in this Section as “projections”) are a privilege. They cannot be claimed as a right, and require a *permit* issued by the *code official*. The provisions of Section 3202 establish limitations on the projections that the *code official* is authorized to approve. The *code official* is authorized to further restrict or refuse proposed projections if the *code official* considers such action best for the public interest.

3202.2 Removal of projections. All permits for projections shall be issued with the understanding and agreement by the *applicant* that any and all such projections shall be promptly removed upon notice by the *code official*.

3202.3 Projections not requiring individual approval. The following projections shall not require projection approval:

1. Footing projections approved in connection with building permits;
2. Bases, sills, water tables, cornices, belt courses, and roof overhangs conforming with requirements hereafter defined.

3202.4 Modification of projection requirements. The *code official* is authorized to grant modifications of requirements on projections when the modification is deemed in the general public interest, as defined in Section 3202.4.1:

3202.4.1 Modifications in the general public interest. Modifications in the general public interest are those requested to embellish the building, provided that:

1. The primary object of the modification is not the occupation of additional public space;
2. The primary object of the modification is not changing of interior arrangements;
3. In the opinion of the *code official* such modification will not interfere with adjacent buildings; and

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4. In the opinion of the *code official* such modification will not interfere with the general public interest.

3202.5 Projections on streets to be widened. No new projections shall be allowed on the parts of streets to be widened in conformity with adopted and recorded highway extension plans until such parts of streets are so widened.

3202.5.1 Existing buildings. Where existing streets or avenues are widened, or new streets or avenues are laid out and opened, in conformity with the adopted and recorded highway extension plans, in subdivisions existing at the time of record of such plans, and such widening or opening shall leave buildings or parts of buildings on such streets or avenues, such buildings or parts of buildings will be allowed to remain as projections beyond the new building line. Such grandfathered projections of such existing buildings shall be limited in projection distance to that allowed for porches by Section 3202.11.2.3, but no limitations shall be placed upon the kind of projection unless the facade is structurally altered. Such buildings are permitted to be moved under permit to another location on the same lot, upon compliance with applicable regulations.

3202.5.1.1 Structurally altered facades of existing buildings. In case the facade of an existing building covered by Section 3202.5.1 is structurally altered, the projections resulting from such alterations shall conform in all respects to the requirements of these regulations for new projections.

3202.6 Streets on which projections are prohibited. Projections shall not be permitted beyond the building line of the streets listed below.

1. North side of Good Hope Road, S.E. between Martin Luther King, Jr. Avenue, S.E. and 18th Street, S.E.;
2. Florida Avenue, N.W., from 7th Street, N.W. to 9th Street, N.W.;
3. Maine Avenue, S.W., from 7th Street, S.W. to 14th Street, S.W.;
4. M Street, N.W., from 29th Street, N.W. to 36th Street, S.W.;
5. K Street, N.W., from Rock Creek westward to Wisconsin Avenue, N.W.;
6. Water Street, N.W., from Wisconsin Avenue, N.W. westward to the termination of said street;

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7. Wisconsin Avenue, N.W., from the angle south of N Street, N.W. to the north roadway of Q Street, N.W.;
8. Twelfth Street, N.W., from Monroe Street, N.W. to the angle north of Otis Street, N.W.;
9. Martin Luther King, Jr. Avenue, S.E. from Good Hope Road, S.E. to the northern boundary of the grounds of St. Elizabeths Hospital.

Exception: Projecting cornices, bases, sills, belt courses, pilasters and water tables are not restricted by this section.

3202.7 General restrictions. All projections shall comply with the provisions of Sections 3202.7.1 through 3202.7.6.

3202.7.1 Limitations based on street width. Projections shall not be allowed on any street less than 60 feet (18 288 mm) in width.

Exception: Projecting cornices, bases, water tables, pilasters or uncovered steps.

3202.7.1.1 Minimum clearance to curb line. A minimum clear space from the outer edge of the curb to the outer face of all projections and steps shall be preserved, as follows:

1. Six feet (1829 mm) on streets 40 feet (12 192 mm), but less than 50 feet (15 250 mm) wide;
2. Eight feet (2438 mm) on streets 50 feet (15 240 mm), but less than 60 feet (18 288 mm) wide;
3. Ten feet (3048 mm) on streets 60 feet (18 288 mm) to and including 80 feet (24 384 mm) wide;
4. Twelve feet (3658 mm) on streets more than 80 feet (24 384 mm) to and including 90 feet (27 432 mm) wide; and
5. Fifteen feet (4572 mm) on streets more than 90 feet (27 432 mm) wide.

3202.7.2 Clearance to lot lines extended. A clear space of at least 8 inches (203 mm) shall be preserved between party lines or alley lines extended and the outer walls or sides of projections.

Exception: Cornices, belt courses, pilasters, bases, water tables, and walls of areas,

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are permitted to extend to but not over party lines or alley lines extended. Such projections shall be constructed so that the removal of one structure or its projections will not affect or damage the adjoining structure or projections and will not interfere with the construction or reconstruction of projections or buildings on the adjoining property.

3202.7.2.1 Definition of property lines extended. The term “party lines extended” means lines through the corners of the property, at interior lot lines, and perpendicular to the street. The term “alley line extended” means a line through the corner of the property, at the intersection of an alley with the street, and perpendicular to the street.

3202.7.3 Chimneys. Chimneys shall not project beyond the building line or building restriction line.

3202.7.4 Plumbing fixtures. Plumbing fixtures shall not be located in projections.

Exception: Area drains and roof drains.

3202.7.5 Overhead projections. The footprint of any projecting sign, fixture, marquee, or other overhead projection of a building shall not extend over public space beyond a line 18 inches (457 mm) behind the curb line.

Exception: Market sheds, as provided for in Sections 3202.12.4 through 3202.12.4.3.

3202.7.6 Construction of projections. Projections shall be constructed of any materials permitted by this code for the type of construction of the building.

Exceptions:

1. Roofing, skylights and roof domes in projecting structures are permitted to be of the same materials allowed for similar non-projecting structures.
2. Where noncombustible materials are specifically required elsewhere in this chapter for specific projections.
3. Where combustible materials are specifically allowed elsewhere in these regulations for specific projections.

3202.8 Projections requiring special approval. Projections regulated under Sections 3202.8.1 and 3202.8.2 shall require approval by the District Department of Transportation (DDOT).

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3202.8.1 Pedestrian walkways and tunnels. Pedestrian walkways and tunnels shall meet the requirements of Section 3104. In addition, the vertical clearance from the public right-of-way to the lowest part of an elevated pedestrian walkway shall be 15 feet (4572 mm) minimum.

3202.8.2 Porte-cocheres. Porte-cocheres shall be permitted one story in height. All driveways and approaches that serve a porte-cochere and cross sidewalks or parking lots shall be paved and otherwise improved to the satisfaction of DDOT.

3202.9 Subsurface projections. Areaway and vault projections shall comply with the requirements of Sections 3202.9.1, 3202.9.2 and 3202.9.3, respectively.

3202.9.1 Areaways. Areaway projections shall comply with the requirements of Sections 3202.9.1.1 through 3202.9.1.5.

3202.9.1.1 Width. The width of areaways, measured from outside to outside of area enclosing walls, shall not be limited if located between property lines extended.

3202.9.1.2 Enclosure height. The height of areaway enclosures shall be limited to the highest point of the surface of the adjoining pavement or grade.

Exception: Copings not over 8 inches (203 mm) high, and railings or guardrails.

3202.9.1.3 Projection. The extent of areaway projection shall be measured from the building line to the inside face of the areaway wall. Projection beyond the building line shall be limited based on zoning districts, as defined in the *Zoning Regulations*, as follows:

1. Four feet (1219 mm) on streets in C, C-M, and M Districts.
2. Four feet (1219 mm) on unparked streets in Residential Districts and SP Districts, more than 60 feet (18 288 mm) wide.
3. Six feet (1829 mm) on parked streets in Residential Districts and SP Districts, 60 to 70 feet (18 288 mm to 21 336 mm) wide.
4. Six and a half feet (1981 mm) on parked streets in Residential Districts and SP Districts, more than 70 feet (21 336 mm) wide.
5. Seven feet (2134 mm) on parked streets in Residential Districts and SP Districts where parking is 20 feet (6096 mm) or more in width.

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3202.9.1.4 Other requirements. Areaways shall be protected by substantial metal guardrails not less than 42 inches (1067 mm) nor more than 48 inches (1219 mm) high. Proper protection by metal railings that meet the guardrail requirements of Section 1013 of the *Building Code* shall be provided where steps or platforms are built over areas. Basement or cellar steps in areaways shall be protected in the same way and shall have gates at top of the steps unless otherwise protected.

Exception: Areaways located in unpaved parking that cannot lawfully be paved are permitted to be protected by substantial metal gratings.

3202.9.1.5 Alley location prohibited. Areaways shall not be located in an alley.

3202.9.2 Vaults. Vaults shall comply with the requirements of Sections 3202.9.2.1 through 3202.9.2.5.

3202.9.2.1 Permits. Applications for vault permits shall be submitted to the *code official*, accompanied by the following documentation:

1. Plans showing the location and dimensions of the vault, vault openings, the vault depth below the surface of the pavement or grade, and the proposed method of construction.
2. A certified copy of a written vault agreement in compliance with Section 106.6.1 filed and recorded in the Office of the Recorder of Deeds.

3202.9.2.2 Size and openings. Vault design shall comply with the following:

1. Approval of the size and extent of vaults, and of the number and size of vault openings, shall be a matter of special determination in each case by the code official.
2. Vaults extending under alleys shall have no openings in the alley pavement, and shall not extend within 2.5 feet (762 mm) of the center of the alley.

3202.9.2.3 Use of vault space. The use of the vault space shall be subject to the following conditions:

1. The code official is authorized to approve transformer vaults exclusively to house utility equipment. Storage in such vaults shall

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be prohibited.

2. Vaults in business districts shall not be used for the following purposes: public entrances to basements; means of egress corridors; housing of boilers; housing of plumbing fixtures; housing of storage tanks for propane or other flammable gas; or the housing of mechanical appliances or any equipment not removable within 24 hours.
3. Vaults shall be allowed to be used for the following purposes: access to open areaway stairs; storage of readily movable personal property and equipment; sales or office space; housing of fuel oil storage tanks; parking of motor vehicles; installation of ducts, pipes or wiring; location of ducted air shafts; housing of fans; and housing of similar items which can be removed or relocated if vault space is removed.
4. Fuel oil filling pipes, in vaults in business districts, shall be extended to within 18 inches (457 mm) of the curb line when physically possible. Such pipes shall terminate in filling boxes of approved design. A separate permit shall be required for such filling pipes and filling boxes.
5. If openings in the roofs of vaults are used for sidewalk elevators or for runways, they shall be located as near to the curb as possible and shall be equipped with heavy metal safety doors and frames.
6. The code official is authorized to approve other uses not forbidden by law, code, or regulation.

3202.9.2.4 Vault cover. Cover over vaults shall comply with the following:

1. The paving over vaults shall be laid according to specifications of DDOT for surface paving and shall conform to established grades. All such coverings shall be so constructed as to be flush with pavement, and have a roughened surface to provide security to persons passing over them.
2. Pavements over vaults, installed pursuant to a public space permit or order issued by DDOT, shall be laid at the expense and risk of the *person* doing the work.
3. The roof of a vault, between the curb and building lines, shall at no

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place be less than 4 inches (102 mm) below the approved sidewalk grade at that point.

4. Vaults shall be roofed over within a reasonable time or within the time fixed by the public space permit.
5. Whenever the grade over the vault is changed, the vault shall be changed and re-paved at the expense of the *owner* of abutting property, to comply with the new grade.

3202.9.2.5 Interference with utilities. Construction of vaults shall be subject to the following conditions:

1. Vaults shall be constructed so as not to interfere with sewers, water mains, gas mains, electric or telephone conduits, signal conduits, manholes, lamp posts, trees, or any other public or public utility works or improvements.
2. If construction or alteration of a vault requires the removal or relocation of utilities, and if by agreement a public utility or District utility arranges to alter its facilities, the *owner* of abutting property shall notify the appropriate company or office concerned as to when a permit has been issued and construction or alteration work is ready to commence.

3202.10 Balconies, windows, towers and structural trim. Balconies, windows, towers and structural trim shall conform to the provisions of Sections 3202.10.1 through 3202.10.9.

3202.10.1 General restrictions. The restrictions of Sections 3202.10.1.1 and 3202.10.1.2 shall apply to projections as specified therein.

3202.10.1.1 Prohibition on alley location. Balconies, bay oriel or show windows, or towers shall not project over alley spaces.

3202.10.2 Balconies. Balconies shall comply with the width and projection requirements of Sections 3202.10.2.1 and 3202.10.2.2.

3202.10.2.1 Width. Balconies shall maintain an 8-inch separation from property lines extended. Aggregate balcony width is otherwise unlimited. Where balconies are structurally connected to bay windows, the width of the balconies shall be included in the width of the bay windows and the combined width shall comply with the requirements for bay windows.

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3202.10.2.2 Projection. Balcony projection from the building line shall be limited as follows:

1. Three feet (914 mm) on streets more than 60 feet (18 288 mm) and less than 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) on streets 70 feet (21 336 mm) or more in width.

3202.10.3 Bay windows. Bay window projections shall comply with the requirements of Sections 3202.10.3.1 through 3202.10.3.4.

3202.10.3.1 Width. The width of bay windows at each building line shall be limited as follows:

1. A bay window projection shall not be allowed on buildings less than 16 feet (4877 mm) wide at the building line;
2. A single projection of 9 feet (2743 mm) in width shall be allowed for all buildings having a width of 16 feet (4877 mm) or more at the building line;
3. The allowable width of a single projection shall increase 6 inches (152 mm) for every foot (305 mm) of increase in the width of the building between 16 feet (4877 mm) and 24 feet (7315 mm) wide at the building line;
4. For buildings over 24 feet (7315 mm) in width the allowable width of a single projection shall increase 2 inches (51 mm) for every foot (305 mm) of increase in width of the building over 24 feet (7315 mm).
5. Multiple projections (two or more separate projections) shall not be allowed on buildings less than 24 feet (7315 mm) wide at the building line;

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- 6.. On buildings 24 feet (7315 mm) wide a double projection shall be allowed, the total width of both projections not to exceed 13 feet (3962 mm).
7. The allowable aggregate width of double or multiple projections on buildings exceeding 24 feet (7315 mm) in width at the building line shall be increased 6 inches (152 mm) for each foot (305 mm) of increased building width over 24 feet (7315 mm).
8. The width of bay window projections shall be measured at a distance of 1 foot (305 mm) from the building line.
9. Bay window projections of buildings on interior lots shall not extend beyond party lines extended.
10. A bay window at the corner of two streets is permitted to be continued around the corner. The portion of such a continued bay window that is located beyond building lines extended shall not be counted in the width of projections on either front.

3202.10.3.2 Height. The height of bay windows shall not be limited.

3202.10.3.3 Projection. The projection of bay windows shall be limited as follows:

1. Three feet (914 mm) on streets 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) on streets more than 70 feet (21 336 mm) wide.

3202.10.3.4 Other restrictions. Stairways shall not be permitted in bay window projections. Doors in bay windows that do not swing beyond the projection shall be permitted.

3202.10.4 Oriel and show windows. Oriel and show windows shall comply with the requirements of Sections 3202.10.4.1 and 3202.10.4.2, respectively.

3202.10.4.1 Oriel windows. Oriel windows shall conform to all the requirements governing bay windows.

3202.10.4.2 Show windows. Show windows shall conform to the width, projection and restrictions requirements of Sections 3202.10.3.1, 3202.10.3.3 and 3202.10.3.4 governing bay windows.

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3202.10.5 Towers. Tower projections shall conform to all the requirements governing bay windows.

3202.10.6 Colonnades. Colonnades shall comply with the width, height and projection requirements of Sections 3202.10.6.1 through 3202.10.6.3.

3202.10.6.1 Width. Colonnades are subject to the minimum clearance of 8 inches (203 mm) from party and alley lines extended, required under Section 3202.7.2.

3202.10.6.2 Height. The height of colonnades is limited to two stories above grade.

3202.10.6.3 Projection. Colonnade projection is limited to 6 feet (1829 mm) where parking is 17 feet (5182 mm) or more wide. Projecting colonnades shall not be permitted on streets where parking is less than 17 feet (5182 mm) wide.

3202.10.7 Pilasters. Pilasters not more than 5 feet (1524 mm) wide are permitted to project 4 inches (102 mm) beyond the building line. Pilaster bases are permitted to project 8 inches (203 mm) beyond the building line.

3202.10.8 Bases, water tables and sills. Projecting bases and water tables shall not be more than 4 feet (1219 mm) above grade at the building wall nor above window sill level of the main story. Their length is not limited. The projection beyond the building line of bases, water tables, and window and other sills, is limited to 8 inches (203 mm).

3202.10.9 Belt courses, cornices and roof overhangs. The length and height of belt courses, cornices, and roof overhangs are not limited. The projection beyond the building line is limited to 8 inches (203 mm) for belt courses and 60 inches (1524 mm) for cornices and roof overhangs.

3202.11 Porches, steps, ramps and doors. Projecting porches, steps, ramps and doors shall conform to the provisions of Sections 3202.11.1 through 3202.11.5.

3202.11.1 Restrictions by zoning districts. Porch and step projections shall be allowed only in Residential and SP Districts, as established by the *Zoning Regulations*.

3202.11.2 Porches. Porches shall have open balustrades or guardrails and shall be open to the roof. The floor of the porch shall be not more than 5 feet (1524 mm) above the terrace, parking, adjacent grade or pavement.

3202.11.2.1 Width. Where there are no bay windows, oriel window or tower

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projections, one-story high porches shall not be limited in width. Where there are bay windows, oriel window or tower projections in the same story, the aggregate width of porch and bay window, oriel window, or tower projections shall not exceed the limits specified for multiple bay window projections in Section 3202.10.3.1. The width of porches of more than one story in height shall conform to the provisions for bay windows in Section 3202.10.3.1.

3202.11.2.2 Height. Porches of wood frame construction shall be limited to one story. Porches of more than one story in height shall be of noncombustible construction throughout.

3202.11.2.3 Projection. Projection of one-story high porches shall be limited as follows:

1. Three feet (914 mm) on unparked streets, 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) on unparked streets more than 70 feet (21 336 mm) wide.
3. Five feet (1524 mm) on all parked streets. Porches more than one story in height shall conform to the provisions for bay windows in Section 3202.10.3.3 as to the extent of projection beyond the building line.

3202.11.2.4 Rear porches. Porches on rear of dwellings shall not project over the building line or building restriction line.

3202.11.3 Steps and ramps. Projecting steps and ramps are not limited in width but shall comply with the following height and projection requirements.

3202.11.3.1 Height. Step and ramp projections shall not extend above the level of the main floor.

3202.11.3.2 Projection. Step and ramp projections shall be limited as follows:

1. Three feet (914 mm) on unparked streets 40 feet (12 192 mm), but less than 45 feet (13 716 mm) wide.

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2. Four feet (1219 mm) on unparked streets 45 feet (13716 mm), but less than 70 feet (21336 mm) wide.
3. Five feet (1524 mm) on unparked streets 70 feet (21336 mm), but less than 80 feet (24384 mm) wide.
4. Six feet (1829 mm) on unparked streets 80 feet (24384 mm) or more in width.
5. Ten feet (3048 mm) on parked streets.

3202.11.4 Projecting doors and windows. Projecting doors and windows shall conform to the provisions of Sections 3202.11.4.1 through 3202.11.5.

3202.11.4.1 Permanent doors or windows. Permanent doors or windows shall not open outward on public spaces when less than 12 feet (3658 mm) above the sidewalk grade.

Exception: Where the line of travel is protected by an adjoining porch, terrace, bay window, areaway, or similar construction, projecting not less than the outward swing of the door, permanent doors or windows are permitted to open outward.

3202.11.4.2 Residential or SP districts. Permanent doors and windows in Residential or SP Districts shall be allowed to open on public parking, provided they do not encroach on any sidewalk or driveway.

3202.12 Awnings, canopies, marquees, market sheds, platforms, and scales. Awnings, canopies, marquees, market sheds, platforms, and scales shall conform to the provisions of this Section and other applicable Sections of the *Construction Codes*.

3202.12.1 Awnings. Awnings shall conform to the provisions of this Section, Section 3105 and other applicable Sections of the *Construction Codes*.

3202.12.1.1 Projecting awnings beyond the building line. Folding, hinged or fixed type awnings attached only to the structure are permitted to be erected over windows, show windows and doors, and shall comply with the provisions of Sections 3202.12.1.1 through 3202.12.1.6.

Exception: The openings of projecting porches in Residential Districts are permitted to be covered with an awning.

3202.12.1.2 Clearance. Projecting awnings shall have a minimum clear height of

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8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.1.3 Width. The width of projecting awnings shall be limited to the width of the window, show window; door or opening and a reasonable distance each side thereof.

3202.12.1.4 Projection. Projecting awnings shall not extend over 5 feet (1524 mm) beyond the vertical plane of the point of attachment.

3202.12.2 Canopies. Canopies shall conform to the provisions of this Section, Section 3105 and other applicable sections of the *Construction Codes*. Canopies are permitted to be erected over doors, windows, show windows or other display openings and loading platforms, subject to the limitations of Sections 3202.12.2.1 through 3202.12.2.5.3.

3202.12.2.1 Restrictions based on zoning districts. Canopies projecting over public space are permitted to be erected in the C, C-M, and M Districts, as defined in the *Zoning Regulations*. Canopies approved pursuant to Sections 3202.12.2.5 through 3202.2.12.5.3 shall not be restricted based on zoning district.

3202.12.2.2 Width. Canopies are permitted to extend laterally on a building so as to cover the display window or space and a reasonable distance on each side thereof.

3202.12.2.3 Clearance. Projecting canopies shall have a minimum clear height of 8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.2.4 Projection. Canopy projections shall not exceed 5 feet (1524 mm) into public space unless the plans are submitted to and approved by the *code official*.

3202.12.2.5 Canopies over parking and sidewalks. The *code official* is authorized to approve permits for canopies with fixed iron posts and frames to be erected beyond the building line to the inner line of the sidewalk where such canopies will be used in conjunction with any of the following:

1. A Group A occupancy having an *occupant load* greater than 100 persons.
2. A Group R occupancy having more than 50 *dwelling units*.
3. A Group M or B occupancy with a frontage of 100 feet (30 480 mm) or more on the street on which the canopy is proposed.
4. A Group M or B occupancy that contains more than 15,000 square feet (1395 m²) in area per floor.

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3202.12.2.5.1. Special merit cases. In specific cases where the *code official* determines that such an installation would be of merit without being detrimental to the public, the *code official* is authorized to grant approval of canopies over sidewalks that extend as close as 18 inches (457 mm) from the curb, when the *code official* determines that (a) pedestrian traffic flow will not be impeded; (b) the presence of such an awning will not detract from the appearance of the neighborhood; and (c) such an awning will be of convenience to the patrons of the establishment served by the awning, especially in the loading and unloading of vehicular traffic in inclement weather.

3202.12.2.5.2 Canopy width. The width of canopies over parking or sidewalks shall be limited to the width of the door or opening and a reasonable distance each side thereof. Canopies shall be of *approved* fire-retardant material, preserving a minimum clearance of 8 inches (203 mm) from the party lines extended. Permit applications for these canopies shall be accompanied by drawings showing the spacing of all posts and method of anchoring. The frames shall be structurally stable and posts shall be so located as not to impede the principal flow of pedestrian traffic. Posts shall be rigidly secured at the base in sockets or by other approved means.

3202.12.2.5.3 Temporary canopies. Permits for sockets in the sidewalk for temporary covered ways across sidewalks or parking, as provided in Section 105 of DCMR Title 24 (Public Space and Safety), Chapter 1 (Occupations and Use of Public Space) shall be issued upon approval of DDOT. Permits for sockets confer no authority to erect temporary covered ways across sidewalks or any other space used by the public. Where sockets have been regularly installed, the Metropolitan Police Department will thereafter issue temporary permits authorizing the use of the temporary covered way in inclement weather.

3202.12.3 Marquees. Marquees shall conform to the provisions of this Section, Section 3106 and other applicable sections of the *Construction Codes*. Marquees shall meet the width, clearance, and projection requirements of Sections 3202.12.3.1 through 3202.12.3.3.

3202.12.3.1 Width. Projecting marquees supported directly from the building, shall not be permitted to extend laterally on a building more than a sufficient length to cover the entrance and a reasonable distance on each side thereof.

3202.12.3. 2 Clearance. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any marquee shall be 8 feet (2438

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mm).

3202.12.3.3 Projections. Marquee projections shall not exceed 5 feet (1524 mm) into public space unless otherwise approved by the *code official*.

3202.12.4 Market sheds. A market shed shall be permitted only on a site occupied by a market or produce house, when such site has been specifically designated as a market area.

3202.12.4.1 Design. The design of market sheds shall be approved by the *code official*, a permit shall be required, and all market sheds shall comply with the following provisions:

1. The shed roof is permitted over the public parking and public sidewalk of a building or buildings used for market purposes, extending from the building line to the curb.
2. The line of supports for the shed roof shall be at the inner edge of the sidewalk, the overhang being supported as a cantilever, unless the location of supports is otherwise approved by DDOT. The shed is permitted to be supported by hanging from the wall of the building when approved by the *code official*.
3. Gutters shall be provided throughout the length of all shed roofs, with downspouts equivalent to a 2 1/2-inch pipe per 200 square feet of surface drains, the pitch of the roof to be at least 1/2 inch per foot.
4. Shed roofs shall be furnished with electric lights that provide levels of illumination in compliance with Section 1205.3.
5. Shed roofs shall comply with all structural requirements of Chapter 16 and other applicable Sections of the *Construction Codes*.

3202.12.4.2 Use of space. No public space beneath a shed constructed pursuant to Sections 3202.12.4 and following shall be used for the display, sale or storage of produce or containers. This restriction shall not apply to the temporary storage of materials incident to loading and unloading.

Exception: An area specifically designated as a market area for the retail or wholesale sale of produce on the premises is permitted to be used for the display, sale or storage of produce or containers.

3202.12.4.3 Special conditions. The foregoing rules shall be observed by the

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code official as a guide in issuing permits for market sheds except where the conditions are so obviously at variance with these general rules as to require special consideration. Cases requiring special consideration shall be reviewed as modifications pursuant to Chapter 1.

3202.12.5 Loading platforms. The *code official* is authorized to approve loading platforms projecting more than 5 feet (1524 mm) beyond the building line, in CM and M Districts. Canopies over such platforms shall be permitted. Special approval by the *code official* shall be required for such platforms and canopies.

3202.12.6 Platform scales. Platform scales projecting on public space are permitted in C-M and M Districts. Plans for such platform scales shall be submitted to and approved by DDOT.

3202.13 Enclosed sidewalk cafés. Enclosed sidewalk cafés shall comply with Sections 3202.13.1 through 3202.13.5 and all other applicable sections of the *Construction Codes*.

3202.13.1 Permits. Permits for enclosed sidewalk cafés shall be issued by the *code official* and shall comply with all applicable laws and regulations. Each application shall be accompanied by drawings of the structure, prepared and signed by a structural engineer registered in the District of Columbia. Other enforceable laws and regulations governing sidewalk cafés include: the Enclosed Sidewalk Café Act of 1982, effective September 16, 1982, (D.C. Law 4-148; D.C. Official Code § 10-1102.02); DCMR Title 24, Chapter 2 (Rental of Public Space) and Chapter 3 (Administrative Procedures for Sidewalk Cafés); Mayor's Order No. 77-150, dated August 31, 1977; and regulations of the Department of Public Works, 30 DCR 4346, August 26, 1983, now delegated to DDOT.

3202.13.2 Design. Enclosed sidewalk cafés shall comply with Sections 3202.13.2.1 through 3202.13.2.5.

3202.13.2.1 Walls and roofs. Enclosed sidewalk cafés shall have walls and roofs constructed of noncombustible materials.

3202.13.2.2 Flooring. Flooring shall comply with Section 804.

3202.13.2.3 Enclosure materials. Any enclosure materials, and the contents enclosed therein, must be capable of being removed within 24 hours.

3202.13.2.4 Structural requirements. Enclosed sidewalk cafés shall be constructed in accordance with Chapter 16, Chapter 24 and other applicable sections of the *Building Code*.

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3202.13.2.5 Means of egress. When the combined occupant loads of the sidewalk café and the adjacent restaurant exceed 75 persons, two means of egress shall be provided from the sidewalk café, one of which shall open directly to the sidewalk, public alley, or public space abutting the café. The second means of egress is allowed through the abutting restaurant. If two means of egress are required for the adjacent restaurant, two means of egress shall be required for the sidewalk café. If one of the means of egress of the café serves the interior of the restaurant, the width of the respective egress aisle across the café shall meet the requirement for a corridor serving the combined occupant load of the sidewalk café and the restaurant.

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CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

- 3303 Demolition
- 3307 Protection of Adjoining Property

3303 DEMOLITION

Strike Section 3303.1 of the International Building Code and insert new Section 3303.1 to the Building Code to read as follows:

3303.1 Construction Documents. Prior to the commencement of any demolition work, a permit shall be obtained as required by Section 105 of the *Building Code*. Demolition under the *Construction Codes* may include (a) *demolition interior*; (b) *demolition partial*; or (c) *raze*. *Construction documents* and a schedule for demolition shall be submitted where required by the *code official*. Where a permit is required, no work shall be done until such permit is obtained.

3303.1.1 Required safeguards. Props, posts, braces, stages, platforms and scaffolding necessary to provide sufficient strength and rigidity to the portions of the structure being demolished or *razed* shall be provided.

3303.1.2 Special approval. No structure, or portion thereof, being demolished or *razed* shall be pulled or blasted, unless specific approval is given by the *code official*.

Strike Section 3303.4 of the International Building Code in its entirety and insert new Section 3303.4 in the Building Code in its place to read as follows:

3303.4 Site treatment. Where a structure or a portion of the structure has been demolished or razed, site treatment shall comply with the provisions of the *Construction Codes* and other applicable District of Columbia laws and regulations.

3303.4.1 Vacant lot. After demolition or razing of a structure, the vacant lot shall be filled to the existing grade and maintained in accordance with the *Property Maintenance Code*, the vacant property maintenance standard set forth in D.C. Official Code § 42-3131.12 (2010 Supp.), and any other applicable laws and regulations.

3304.4.2 Grade level of walls. All walls being demolished, including foundation and interior basement walls (but not including party walls on property lines), shall be reduced to a level below that of final grade.

3303.4.3 Vaults. All vaults (including the walls of vaults) projecting into public space which are to be abandoned as a part of a demolition or *razing* project, shall be removed in their entirety and the depression filled in accordance with the requirements of DDOT.

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3303.4.4 Driveways. All driveways in public space shall be removed in their entirety and new curbs and pavement constructed in accordance with DDOT specifications. The cost of the removal of the driveways and replacement of the curbs and pavement shall be the responsibility of the person executing the demolition or *raze*.

3303.4.5 Fill. Excavations, holes, and depressions shall be filled and leveled to a final grade which will provide good drainage.

3303.4.6 Fill materials. No materials other than Class 1, Class 2 or Class 3 fill material shall be used in filling depressions and grading the site. All depressions shall be filled; all excess earth, all building materials, and all debris shall be removed from the site; and the premises shall be left in a safe, clean and sanitary condition. All work shall be done in accordance with the Standards and Specifications of DDOE and, where applicable, DDOT.

3303.4.7 Timing. Deferral, for a period of not more than six months, of the provisions for site treatment after removal of an existing building, shall be permitted if a new building is to be constructed thereon and the new construction started at the site within six months of completion of demolition. If site treatment is deferred, the site shall be completely fenced and maintained so as to exclude the public from access to the site during the period between demolition and new construction.

Insert new Section 3303.8 in the Building Code to read as follows:

3303.8 Lead Safe Work Practices. Demolition shall comply with the applicable requirements set forth in regulations governing lead-based paint promulgated, or as may be promulgated, by the District's Department of the Environment (DDOE) or the federal Environmental Protection Agency, and in conformance with all pertinent lead abatement requirements in D.C. Official Code § 8-231.01 et seq. (2005 Repl.), including all pertinent implementing regulations.

3307 PROTECTION OF ADJOINING PROPERTY

Strike Section 3307 of the International Building Code in its entirety and insert new Section 3307 in its place in the Building Code to read as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, *alteration*, repair or demolition work at the expense of the person causing the work. Protection must be provided for lots, and for all elements of a building or structure, including, but not limited to, footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water run-off and erosion during construction or demolition activities.

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3307.2 Notification. Where the work involves structural support of an adjoining building or structure, or an excavation requiring underpinning, the person making or causing the work shall provide written notice to the *owners* of adjoining buildings or structures in accordance with this Section 3307 advising them of the proposed work and the need for specific measures to protect the adjoining buildings or structures.

3307.2.1 Form of notification. The person causing the work shall notify the adjoining property *owner* by personal delivery, courier or express mail service, with a copy to the *code official* not less than 30 days prior to permit issuance. This notification shall include a copy of all *construction documents* filed for necessary permits which are relevant to the adjoining property, including any updates or amendments to the work plan. The *owner's* home or business address shall be determined by the District's tax records.

3307.2.2 Objections by adjoining property owner. The adjoining property *owner* shall have 30 days from the date that the notification is delivered to object in writing to the person causing the work on the grounds that the proposed work plan will not protect the adjoining building or structure. A copy of the adjoining property *owner's* objection, with supporting technical documentation, shall be provided to the *code official*. The person causing the work shall modify the proposed work plan to incorporate any specific measures necessary to protect the adjoining building or structure, which the *code official* determines are reasonably practicable and supported by technical documentation.

3307.2.3 Access to adjoining property. If the protective work required pursuant to Section 3307.1 requires access to an adjoining property, the person causing the work shall obtain written permission from the *owner* of the adjoining property to gain such access in accordance with this section, provided, however, that if the adjoining property *owner* fails to grant written permission (conditional or unconditional) for entry after appropriate notice in compliance with subsection 3307.2.1, then any protective work requiring access to the adjoining property shall be the responsibility of said *owner*.

3307.2.3.1 Failure to grant access. If the adjoining property *owner* does not respond within the 30 day period set forth in Section 3307.2.1, then the adjoining property *owner* shall be deemed to have elected to make safe his or her own property. The person causing the work shall grant the adjoining property *owner* the necessary written permission to enter the construction, excavation, alteration, repair or demolition site and to undertake such work as may be required to protect the adjoining *owner's* property. The adjoining property *owner* shall execute such measures to make safe said owner's property without delay so as not to impede the original construction.

3307.3 Underpinning party walls. Notwithstanding other provisions of this Section 3307, proper underpinning of existing adjoining or party walls which require underpinning shall be provided in accordance with applicable sections of this code.

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3307.3.1 Party walls. In case of party walls erected in the original city of Washington (Squares 1–1170), or party walls erected with written consent of the adjoining owners, or both, the person causing the work shall notify the adjoining property *owner*, with a copy to the *code official*, not less than 30 days prior to the proposed starting date. This notification shall include a copy of all documents filed for necessary permits, including any updates or amendments to the proposed work plan. The person causing such excavation need not obtain the written permission from the adjacent property owner to provide underpinning for the adjoining structure.

3307.4 Party wall maintenance. Where construction work occurs that could affect the structural integrity of a party wall, the *person* causing the work shall preserve the party wall from injury and ensure the structural stability of the party wall at said *person*'s own expense. The party wall shall be maintained weatherproof and structurally stable.

3307.4.1 Temporary protection. If the party wall is to remain exposed for 60 days or less, the exposed portions of the wall shall be protected from weather damage by tarpaulins, waterproof paper, or other temporary means approved for use by the *code official*. Such temporary protection shall be maintained in a weatherproof condition.

3307.4.2 Intermediate protection. If the party wall is to remain exposed for more than 60 days, but less than 18 months, the exposed wall shall be restored and weatherproofed in accordance with the requirements for the particular type of construction involved. All plaster and other material not commonly used for exterior construction shall be removed; all holes shall be properly filled; and masonry party walls shall be repointed.

3307.4.3 Permanent protection. If the party wall is to remain exposed for 18 months or longer, the party walls shall be permanently restored and weatherproofed in accordance with the requirements for the particular type of construction involved. Party walls shall be faced with material commonly used for exterior finish, or restored as closely as practicable with the facing material and construction of the other exterior walls of the building left standing, and shall be painted or otherwise finished in a manner similar to other parts of the building.

3307.4.4 Party wall beam holes. Where a structure involving a party wall is being demolished, the *owner* of the demolished structure shall, at his or her own expense, bend over all wall anchors at the beam ends of the standing wall and shall brick up all open beam holes and otherwise maintain the safety and usefulness of the wall.

3307.5 Unsafe party walls. If any party wall or portion thereof which is left standing and exposed after a building is demolished or partially removed is deemed unsafe or dangerous by the *code official*, then the owner of the building that is being removed or demolished shall either remove and reconstruct, or anchor, brace, or buttress all of those portions of the party wall

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deemed unsafe or dangerous, and shall do all other work necessary to enclose properly the building or structure left standing.

3307.6 Chimneys, soil stacks, vent stacks, and windows. Wherever a new building or structure is erected to greater or lesser heights than an adjoining building, the construction and extension of new or existing chimneys, soil stacks, vent stacks, and the location of window openings shall comply with applicable sections of this code.

3307.7 Adjoining roofs and flashing. The owner shall repair and restore all flashing on any adjoining property, which has been broken or damaged during any construction operations. The owner shall also install such new flashing as may be required to protect any joints exposed by such operations. Where a new building or demolition of an existing building is being conducted at a greater height, the roof, roof outlets and roof structures of adjoining buildings shall be protected against damage with adequate safeguards by the person doing the work.

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Strike Chapter 34 of the International Building Code in its entirety and insert new Section 3401 in the Building Code in its place to read as follows:

CHAPTER 34 EXISTING STRUCTURES

3401 General

3401 GENERAL

Alteration, repair, addition and change of occupancy of existing buildings and structures shall be governed by the Existing Building Code.

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CHAPTER 35 REFERENCED STANDARDS

Strike Standard Reference Number ASME/A17.1 2007/CSA B44-07 in Chapter 35 Referenced Standards of the International Building Code and insert new Standard Reference Number ASME/A17.1 2010/CSA B44-10 in Chapter 35 Referenced Standards of the Building Code in its place to read as follows:

ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	
Standard Reference Number	Title	Referenced in code section number
ASME/A17.1 <u>2010/CSA B44-10</u>	Safety Code for Elevators and Escalators	907.3.3, 911.1.5, 1007.4, 1607.9.1, 3001.2, 3001.4, 3002.5, 3003.2, 3007.1, 3007.2, 3008.2, 3008.2.1, 3008.7.6, 3008.8.1, <u>3009.1</u> , 3411.8.2

Strike Standard Reference Number ASTM/E 84-09 in Chapter 35 Referenced Standards of the International Building Code and insert new Standard Reference Number ASTM/E 84-09 in Chapter 35 Referenced Standards of the Building Code in its place to read as follows:

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard Reference Number	Title	Referenced in code section number
E 84—09	Test Methods for Surface Burning Characteristics of Building Materials	202, 402.6.4.4, 406.7.2, 703.5.2, 720.1, 720.4, 803.1.1, 803.1.4, 803.9, 803.13, 806.5, 1404.12.1, 1407.9, 1407.10.1, 1409.9, 1409.10.1, 1509.6.2, 1509.6.3, 2303.2, 2603.3, 2603.4.1.13, 2606.3.5.4, 2603.7, 2604.2.4, 2606.4, 2613.3, <u>3105.3</u>

Strike Standard Reference Numbers NFPA/285-11 and NFPA/701-10 in Chapter 35 Referenced

The *District of Columbia Building Code* (2013), referred to as the “*Building Code*,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.

Standards of the International Building Code and insert new Standard Reference Numbers NFPA/285-11 and NFPA/701-10 in Chapter 35 Referenced Standards of the Building Code in their place to read as follows:

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02169-7471	
Standard Reference Number	Title	Referenced in code section number
285—11	Standard Method of Test for the Evaluation of Flammability Characteristics of Exterior Nonload-bearing Wall Assemblies Containing Combustible Components	718.2.6, 1407.10.4, 1409.10.4, 1509.6.2, 2603.5.5
701—10	Standard Methods of Fire Tests for Flame-propagation of Textiles and Films	410.3.6, 424.2, 801.4, 806.1, 806.1.2, 806.2, 3102.3, 3102.3.1, 3102.6.1.1, 3105.3, D102.2.8, H106.1.

Strike Standard Reference Number UL/723-2008 in Chapter 35 Referenced Standards of the International Building Code and insert new Standard Reference Number UL/723-2008 in Chapter 35 Referenced Standards of the Building Code in its place to read as follows:

UL	Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, IL 60062-2096	
Standard Reference Number	Title	Referenced in code section number
723—2008	Standard for Test for Surface Burning Characteristics of Building Materials	202, 402.6.4.4, 406.7.2, 703.5.2, 720.1, 720.4, 803.1.1, 803.1.4, 803.9, 803.13, 806.5, 1404.12.1, 1407.9, 1407.10.1, 1409.9, 1409.10.1, 1509.6.2, 1509.6.3, 2303.2, 2603.3, 2603.4.1.13, 2606.3.5.4, 2603.7, 2604.2.4, 2606.4, 2613.3, 3105.3

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Add the following Reference Standards to the Building Code to read as follows:

OSHA Department of Labor
Occupational Safety and Health Administration

Standard Reference Number	Title	Referenced in code section number
29 CFR - Part 1910	Occupational Safety and Health Standards	1607.14

**SOUTH
FACE** Southface Energy Institute
241 Pine Street NE
Atlanta, Georgia 30308

Standard Reference Number	Title	Referenced in code section number
EarthCraft House Guidelines	Sustainable Design	Chapter 13
EarthCraft House Renovation		

US EPA US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Standard Reference Number	Title	Referenced in code section number
Energy Star Portfolio Manager	Sustainable Design	Chapter 13
Energy Star Target Finder		

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**Enterprise
Community
Partners**

Enterprise Community Partners
10227 Wincopin Circle
American City Building
Columbia, MD 21044

Standard Reference Number	Title	Referenced in code section number
Green Communities	Sustainable Design	Chapter 13

USGBC

U.S. Green Building Council
1800 Massachusetts Avenue, NW, Suite 300,
Washington, DC 20036

Standard Reference number	Title	Referenced in code section number
LEED CI LEED CS LEED H LEED NC LEED for Schools	Sustainable Design	Chapter 13

NAHB

National Association of Home Builders
1201 15th Street, NW
Washington, DC 20005

Standard Reference number	Title	Referenced in code section number
Green Home Building Guidelines	Sustainable Design	Chapter 13

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APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

Appendix E of the International Building Code is adopted as Appendix E of the Building Code with the following amendments.

E102 Definitions

E104 Special Occupancies

E102 DEFINITIONS

Insert a new definition in Section E102.1, Appendix E, of the Building Code, to read as follows.

TTY. An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYS may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons), or computers with special modems. TTYS are also called text telephones.

E104 SPECIAL OCCUPANCIES

Strike Section E104, Appendix E of the International Building Code in its entirety and insert new Section E104.1 in Appendix E to the Building Code in its place to read as follows:

E104.1 General. Transient lodging facilities shall be provided with *accessible* features in accordance with Sections E104.2, E104.3 and E104.5. Group I-3 occupancies shall be provided with *accessible* features in accordance with Sections E104.3 and E104.4.

Insert new Section E104.5, in Appendix E of the Building Code to read as follows:

E104.5 Vanity countertop space. In transient lodging facilities, if vanity countertop space is provided in toilet or bathing rooms serving *sleeping units* that are not required to be *accessible*, *accessible* vanity countertop space, comparable in terms of size and proximity to the lavatory, shall also be provided in *toilet rooms* or *bathrooms* serving *accessible units*.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at ConstructionCodes@dc.gov, not later than 5 p.m. on Friday, January 25, 2013.

The District of Columbia Building Code (2013), referred to as the “Building Code,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.

Comments should clearly specify which Subtitle, Chapter, and Section of the proposed District of Columbia Construction Codes they are related to.

Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

Free copies of these proposed regulations are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”. Additionally, the DCRA website will list links to each of the ICC and NFPA 70 codes.

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